

1 ROB BONTA  
Attorney General of California  
2 DARRELL W. SPENCE  
Supervising Deputy Attorney General  
3 KIRIN K. GILL, State Bar No. 259968  
Deputy Attorney General  
4 State Bar No. 259968  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6172  
Fax: (916) 324-5567  
7 E-mail: Kirin.Gill@doj.ca.gov  
*Attorneys for Defendants*  
8 *California Department of Education, Tony*  
*Thurmond, in his official capacity as the State*  
9 *Superintendent of Public Instruction, and State*  
*Board of Education*

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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15 **EMMA C., et al.,**

16 Plaintiffs,

17 v.

18 **THURMOND, et al.,**

19 Defendants.  
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3:96-cv-04179-VC

**STATE DEFENDANTS' RESPONSE TO  
MONITOR'S REVIEW OF PHASE 3  
DESIGN SUB-PHASE SUBMISSION**

Judge: The Honorable Vince Chhabria

Pursuant to the Court's August 11, 2021 Order Regarding Evidentiary Hearings on Phase 3 Design Sub-Phase (Dkt. 2658) (8/11/21 Order), Defendants California Department of Education (CDE), Tony Thurmond, in his official capacity as the State Superintendent of Public Instruction, and State Board of Education (SBE) (collectively, State Defendants or the State) hereby submit hereby submit their response to the Monitor's June 17, 2022 Review of the State Defendants' Phase 3 Design Sub-Phase Submission (Dkt. 2679) attached hereto as **Exhibit A**, to further demonstrate that the State's design (and proposed design) of its monitoring and enforcement activities is in compliance with federal law..

Dated: July 29, 2022

Respectfully Submitted,

ROB BONTA  
Attorney General of California  
DARRELL W. SPENCE  
Supervising Deputy Attorney General

/s/ Kirin K. Gill

KIRIN K. GILL  
Deputy Attorney General  
*Attorneys for Defendants  
California Department of Education, Tony  
Thurmond, in his official capacity as the  
State Superintendent of Public Instruction,  
and State Board of Education*

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1 ROB BONTA  
Attorney General of California  
2 DARRELL W. SPENCE  
Supervising Deputy Attorney General  
3 KIRIN K. GILL, State Bar No. 259968  
Deputy Attorney General  
4 State Bar No. 259968  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6172  
Fax: (916) 324-5567  
7 E-mail: Kirin.Gill@doj.ca.gov  
*Attorneys for Defendants*  
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**EXHIBIT A**

Judge: The Honorable Vince Chhabria

*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC

## **RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE REPORT**

### **Introduction**

In the State Defendants' Phase 3 Design Sub-Phase Submission (Dkt. 2676) (Phase 3 Design Sub-Phase Report), State Defendants presented their design of monitoring and enforcement activities. As part of its August 11, 2021 Order (Dkt. 2658) (8/11/21 Order), the Court bifurcated Phase 3 to examine first the adequacy of the monitoring design, and then the implementation of the monitoring design with fidelity. (Dkt. 2658). Following CDE's submission of its Phase 3 Design Sub-Phase Report, the Monitor requested additional documentation he deemed necessary to understand the design of each monitoring process described therein.

In this response, CDE provides clarifications of the activities and processes described in its Phase 3 Design Sub-Phase Report, how those activities and processes meet the requirements of federal law and the 8/11/21 Order, and why the supplemental documentation CDE provided in response to the Monitor's request may differ from the monitoring framework and components described within the Phase 3 Design Sub-Phase Report. CDE also includes additional clarification on issues highlighted by the Monitor in his June 17, 2022 Review of the Phase 3 Design Sub-Phase Report (Dkt. 2679) ("Monitor's Report"), including proposed refinements to the monitoring and enforcement activities described in the Phase 3 Design Sub-Phase Report, and other responses to the Monitor's Report. In addition, CDE submits the following supporting documents: CDE's draft Compliance and Improvement Monitoring (CIM) Guide<sup>1</sup> (**Attachment 4**), a revised sorting chart (**Attachment 5**), and a revised activities chart (**Attachment 6**).

CDE begins by addressing certain overarching concerns highlighted in the Monitor's Report, and follows with its specific responses in the same order as the concerns and requests for clarification appear in the Monitor's Report

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<sup>1</sup> CDE's draft CIM Guide, which is currently approximately a hundred pages in length, constitutes the additional material relevant to the design of activities described in the April 15, 2022 Phase 3 Design Sub-Phase that Special Education Director Heather Calomese referred to in her July 12, 2022 Declaration. (Dkt. 2683 at p. 5.) CDE has also created additional materials to which it will provide the Monitor and counsel for Plaintiffs access, under separate cover. Because these materials do not represent CDE's final policies and CDE continues to discuss and refine them internally, CDE will not file these documents publicly at this time.

*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC

## **RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE REPORT**

### **Clarification of April 15, 2022 Phase 3 Design Sub-Phase Report and Additional Materials Provided on May 6, 2022.**

In response to questions raised by the Monitor in his Report, CDE provides the following clarifications of its Phase 3 Design Sub-Phase Report and a description of the current state of monitoring, as demonstrated by the exhibits CDE provided to the Monitor on May 6, 2022.

CDE's Phase 3 Design Sub-Phase Report submitted to the Court on April 15, 2022 presented the proposed framework and monitoring components that CDE intends to deploy upon receipt of Court approval. This is consistent with the processes by which CDE has submitted proposed elements for Court approval in previous Phases of the Evidentiary Hearing Process.

While CDE cannot fully implement its proposed monitoring activities as described in its April 15, 2022 Phase 3 Design Sub-Phase Report, it is nevertheless required to and does continue to monitor LEAs as required by the IDEA. Thus, on May 6, 2022, in response to the Monitor's April 21, 2022 request for materials regarding the monitoring activities described in its Phase 3 Design Sub-Phase Report, CDE provided the Monitor its existing documentation for CDE's current monitoring activities in place during Spring 2022. CDE's current monitoring activities are informed by the complications resulting from the COVID-19 pandemic and were intended to provide LEAs room to readjust to in-person instruction.

Throughout his Report, the Monitor identifies differences between the exhibits CDE provided to him on May 6, 2022 and the proposed design monitoring framework and activities described in the Phase 3 Design Sub-Phase Report. As one example, the Monitor references Exhibit 80 in his Report, a copy of an Annual Determination letter to LEAs that CDE issued in Spring 2022, to highlight differences between CDE's proposed monitoring process described in its Phase 3 Design Sub-Phase Report and how CDE most recently identified LEAs for monitoring as part of its existing monitoring processes.

To clarify, for this current 2022 monitoring year, CDE identified LEAs for Intensive Tier if data demonstrated that the LEA was Significantly Disproportionate or if the LEA was previously identified for Intensive Tier, using the Court-approved selection methodology in Phase 2. While CDE acknowledges that the data utilized for identifying LEAs for Intensive Tier is a few years old, as LEAs were most recently in the 2021-22 school year, CDE reasonably believed that the LEAs it previously identified for monitoring in the Intensive Tier are not likely to have made significant progress during the COVID-19 pandemic disruptions, such that those LEAs would still likely require intensive monitoring and support.

*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC**RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE  
REPORT**

In a similar vein, CDE used the data it had available to identify and select LEAs for Targeted Tier, specific to the areas of disproportionality. LEAs in the first year of disproportionality are currently in Targeted Tier, Level 2 and LEAs in the second year of disproportionality are in Targeted Tier, Level 3. CDE also monitored all other LEAs for timeline compliance, which differs slightly from the monitoring activities CDE described in the Phase 3 Design Sub-Phase Report. These differences are based on issues that arose during the period of time when students were in distance learning. During that time, LEAs struggled to complete initial assessments of eligibility and conduct timely IEP meetings. CDE understands that LEAs and families struggled to meet safely in-person and found difficulty meeting virtually. As such, CDE adjusted the focus of its compliance monitoring for all LEAs. Again, as demonstrated in Exhibit 80, the Annual Determination Letter included information as to whether an LEA was identified for one of three timeline categories. If so identified, LEAs were referred to a CDE-funded Technical Assistance (TA) Provider.

The disruptions from the COVID-19 pandemic provided CDE a unique opportunity: as this monitoring framework is vastly different from that used in previous monitoring years, CDE is using this 2022 monitoring year to test available tools (including those reflected in the materials CDE submitted to the Monitor on May 6, 2022). In other words, Spring 2022 provided CDE the opportunity to test which tools and supports will best support LEAs, and CDE will continue to revise and develop its tools through the rest of the year.

CDE anticipates that 2021-2022 school year data will be available to use in the 2023 monitoring year. As such, CDE intends to implement the monitoring framework described in its Phase 3 Design Sub-Phase Report in the 2023 monitoring year. CDE intends to use available data to sort LEAs into the appropriate monitoring tier and differentiated level of support using the data analyses reviewed and approved in Phase 2 and selection criteria described in the Phase 3 Design Sub-Phase Report and clarified herein. Additionally, CDE anticipates that, beginning in the 2023 monitoring year, the framework and monitoring activities it described in the Phase 3 Design Sub-Phase Report and clarified and amended herein, as well any refinements made in response to further submissions and as part of the forthcoming October 2022 Phase 3 Design Sub-Phase Evidentiary Hearings, will result in an approved monitoring program that CDE can implement in the 2023 monitoring year with fidelity.

**Support for Differentiation, Tiered Monitoring, and CDE  
Resources**

The Monitor concludes that CDE's proposed framework for sorting LEAs into tiered monitoring is generally sound, but identifies some concerns. First, CDE anticipates that the clarification provided in the previous section addresses the Monitor's concerns

*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC

## **RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE REPORT**

related to differences between the exhibits CDE provided him and the framework described in its Phase 3 Design Sub-Phase Report. Second, CDE provides additional support for its proposed differentiated support framework to LEAs, and describes adjustments to its activities in response to the Monitor's Report, as well as direct responses to certain concerns in the following sections.

As an initial matter, CDE provides additional rationale as to why its proposed differentiated monitoring (and adjusted in response to the Monitor's feedback) is an appropriate and reasonable method of monitoring LEAs and is compliant with federal law.

By way of background, CDE developed its differentiated monitoring methodology by first identifying monitoring activities that are designed to support LEAs in gathering additional information on performance and compliance issues, investigating why poor performance is present, and developing an integrated plan to support LEAs in their efforts to improve the educational results and functional outcomes of their students with disabilities (SWD). CDE then determined which level of direct engagement and support LEAs will reasonably require based on the LEA's performance. CDE proposes three levels of LEA engagement for required activities: 1) independent, meaning the LEA conducts the activity alone; 2) with assistance, meaning the LEA conducts the activity with the support of a TA Provider; and, 3) with direct support by CDE consultants. This recognizes that some LEAs require less intervention than others and differentiation ensures CDE appropriately allocates available resources to the LEAs with the greatest need.

The Monitor appears to have concerns with CDE's proposed differentiated support system in which an LEA is required to complete an activity independently, and in instances when an LEA misses a performance target by wide margins. As noted, CDE appropriately and reasonably allocates its available resources to those LEAs with the greatest need. As demonstrated by LEAs' data, the performance issues that exist in LEAs identified for Levels 1 and 2 in the Targeted Monitoring Tier are not as severe as those that exist in LEAs identified for Level 3, and all levels of Intensive Monitoring. CDE's sorting criteria is thus based on the severity and number of performance issues.

As currently proposed, when CDE directs LEAs to complete a required activity independently, LEAs may request the support of their SELPA, COE, or TA Providers. As set forth in its Phase 3 Design Sub-Phase Report, CDE makes available to LEAs the training and tools necessary to complete the CIM activities for those LEAs that are directed to complete a required activity independently. However, to ensure CDE properly reserves resources to support those LEAs with more severe issues, CDE will only provide individualized assistance to LEAs upon request. (Dkt. 2676, p. 17). Given its differentiated monitoring approach, CDE reasonably believes that these LEAs are able to complete the required monitoring activities independently and without CDE's



*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC

## **RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE REPORT**

individualized assistance. CDE's levels of engagement and support and required activities, as proposed, are reasonably designed to support LEAs with the CIM Process and support the LEAs in their path towards improved outcomes for their SWDs.

The Monitor contends that CDE's proposed monitoring activities with respect to those LEAs identified for a monitoring tier that prescribes required monitoring activities to be completed by the LEA independently has "little meaningful oversight." (Dkt. 2679, p. 6). CDE disagrees. CDE directly monitors compliance and performance data through its annual collection and analysis of every LEA's data. If the data demonstrates to CDE that the LEA requires more engagement and support because the LEA misses additional targets or because the LEA is not making sufficient progress, CDE's proposed sorting criteria appropriately identifies the LEA for the necessary monitoring tier and differentiated monitoring level.

### **Purpose of Policies, Practices, and Procedures Review in Relation to the Additional Monitoring Activities**

Throughout his Report, the Monitor characterizes CDE's proposed activities as lacking specificity in regards to sampling, including the composition of the students in the sample, the size of the sample, the compliance items used for each performance area, the procedures or guidance provided to LEAs required to complete the activity independently, CDE's validation protocols for when an LEA is directed to complete the required activity independently, and the number of records reviewed during Prong II to ensure 100 percent compliance. With respect to the Policies, Practices, and Procedures Review, the Monitor contends that because the purpose of the activity is to reveal systemic issues within an LEA, the lack of defined sampling in certain areas means the activity is not capable of determining the extent to which noncompliance—if any—was responsible for, or contributed to, the LEA's performance issue(s). CDE disagrees. CDE's continued development of sampling methodologies for areas other than Disproportionality, including the composition of students to be sampled, the number of students to be sampled, and the compliance items to be reviewed, does not mean that its Policies, Practices, and Procedures Review as currently designed is an inadequate tool to uncover an LEA's performance issues or that it is inadequate to meet the requirements of federal law.

First, CDE clarifies the purpose of the Policy, Practices and Procedure Review and how it functions alongside other monitoring activities to support LEAs in CDE's CIM Process. Second, CDE addresses the Monitor's concern specific to the Policies, Practices, and Procedures Review as applied to Intensive Monitoring.

CDE's monitoring activities, as described in its Phase 3 Design Sub-Phase Report, constitute an integrated, multi-step process designed to identify systemic issues that



*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC

## **RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE REPORT**

result in poor student outcomes, and lead an LEA through inquiry and analysis, to create an improvement plan that will positively impact SWD outcomes. One particular activity that CDE requires from all LEAs in each monitoring tier and differentiated monitoring level is the Policy, Practices, and Procedure Review. As proposed, the Policies, Practices, and Procedures Review assesses the current level of procedural compliance in the LEA and potential systemic issues in the LEA that may prevent the LEAs from ensuring that all IEPs meet legal requirements. To summarize, an LEA is required to review "Practices" through a review of student files and "Policies and Procedures" through a review of LEA-level documentation. The Policies, Practices, and Procedures Review and the compliance items used for the assessment of student- or LEA-level information are based upon the LEA's current poor performance and the issues the LEA faces upon CDE's identification for further monitoring and support under the CIM.

The Policies, Practices, and Procedures Review is a required activity under CIM Step 1. This step requires an LEA to gather and inquire as to qualitative and quantitative data to better understand the challenges and factors contributing to the poor performance. But this required activity follows: (1) CDE's analysis of performance and compliance data and identification of the LEA for a particular monitoring tier and level; (2) CDE's notification to the LEA, which included the reason for identification for further monitoring; and (3) an additional activity required by the CDE, the Data Drill Down which encompasses the LEA's analysis of local data in the area(s) that resulted in identification of the LEA for a particular monitoring tier. Indeed, prior to the LEA's undertaking the Policies, Practices, and Procedures Review, CDE has information regarding the areas in which an LEA may be struggling. This is through CDE's analysis, identification for further monitoring and notifying the LEA for the reasons identified for further monitoring, which all clarify the area(s) where the LEA is struggling.

Moreover, CDE's proposed monitoring design includes other tools that help an LEA understand systemic issues in addition to the Policies, Practices, and Procedures Review. For example, the Data Drill Down--a required activity for LEAs at each tier and level of monitoring--requires the LEAs to analyze district-wide information. In other words, the Policies, Practices, and Procedures Review is not the primary (or sole) mechanism by which an LEA's systemic issues are determined.

Moreover, requiring a large sample of student files for review during the Policies, Practices, and Procedures Review--as the Monitor appears to propose--would not necessarily provide additional value to help determine an LEA's systemic issues. Working in tandem with the outcomes of a Policies, Practices, and Procedures Review, an outcome of the Data Drill Down provides the LEA the information available for each area, for all students. As such, requiring an LEA to review a large sample of individual student files during the Policies, Practices, and Procedures Review is of limited value.

*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC**RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE REPORT**

The Monitor notes that CDE must require from the LEA a sample size that is adequate “in making a meaningful determination of the extent to which noncompliance contributed to or was responsible for the LEA’s selection.” (Dkt 2679, p. 39.) CDE agrees with the Monitor that the sample and review should align to the area(s) under review, and is developing guidance for LEAs to review student files connected to the issue(s) the LEA is trying to address. But CDE disagrees that a large sample size is necessary to support the LEA in arriving at reasonable conclusions during the Root Cause Analysis. Procedural noncompliance is one reason why an LEA may struggle with performance. Based on the experiences of CDE monitoring staff, systemic noncompliance within an LEA can often be identified in a smaller sample, such that pulling additional records becomes redundant and does not afford the LEA additional insight as to why poor performance exists. When procedural noncompliance is found, CDE requires the LEA to correct the noncompliance, and in some cases, it requires the LEA to undertake a Prong II follow-up activity to ensure 100 percent compliance. In other words, different reviews that CDE requires of the LEA may result in multiple samples that require significant LEA and CDE resources to both address the noncompliance and confirm 100 percent compliance within explicit timeframes. CDE’s CIM process focuses on activities beyond just compliance in an effort to support LEAs on their path to improving student outcomes. Utilizing significant LEA and CDE staff resources to review large samples of records in connection with procedural compliance runs counter to the methodology behind CDE’s CIM Process framework. CDE’s approach is consistent with the Office of Special Education Programs’ Results Driven Accountability System that provides monitoring and support focused on both compliance *and* improving results for SWDs. Thus, CDE believes that smaller sample sizes can elicit meaningful insight into an LEA’s Policies, Practices, and Procedures, and allow the LEA to arrive at reasonable Root Causes when analyzed alongside additional data during CIM Step 1, Gather and Inquire.

CDE also addresses a concern that the Monitor identifies specific to the Policies, Practices, and Procedures Review as applied to Intensive Monitoring. The Monitor suggests that this activity as designed is inadequate because CDE does not attempt to determine the appropriateness of LEA determinations as to whether individual students are eligible for special education. (Dkt. 2679, p. 10). The Monitor contends that based on CDE’s analysis of LEA documentation provided for Intensive Tier and specific to Significant Disproportionality, CDE is not monitoring individual students, and therefore, there is no evidence that CDE’s monitoring design is capable of determining whether an LEA that is Significantly Disproportionate in Identification can correct issues relating to identification of students as eligible for special education. (Dkt. 2679, p. 52).

CDE disagrees with the Monitor’s implication that federal law requires the State Educational Agency to determine whether any individual student’s disability identification by an LEA was appropriate. Federal law imposes no such requirement upon CDE. There is a two-part criteria for student eligibility for identification. First, a

*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC**RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE  
REPORT**

student must meet the criteria for a particular disability category. This first prong requires an LEA to apply the legal definition for the disability category to the information about a particular student. Second, by reason of that student meeting the criteria of a disability category, the student must require special education and related services. Both criteria require local, individualized IEP team determinations. The second prong, for example, requires a highly individualized inquiry by persons with knowledge of the student, including knowledge as to how the student is performing, what supports have been attempted within the regular education program, and whether the evidence indicates that the student cannot be successful in the regular education program without special education and related services.

Thus, it is not a State Educational Agency's proper role to upend a parent's consent to IEP eligibility. Rather, consistent with the IDEA and its implementing regulations, a State Educational Agency's role is to monitor the LEAs that serve these students. To carry out that role, CDE's focus is on identifying disability rates that appear to be high for a particular type of student within an LEA, and to support LEAs to identify the overall reasons why that rate appears to be high.

## Framework of CDE's Monitoring and Support System for Non-Small LEAs

CDE responds to the Monitor's concerns to confirm which LEAs are required to participate in the CIM Process, as well as specific responses to the concerns for both Targeted and Intensive Monitoring and Support. CDE's responses follow the order in the Monitor's Report.

### LEAs Required to Participate in the CIM Process

As described above, CDE has not yet implemented the proposed monitoring framework described in the Phase 3 Design Sub-Phase Report. The following LEAs are required to participate in the CIM process: LEAs identified for Targeted Tier, Levels 1, 2 and 3; and, Intensive Tier, Levels 1, 2 and 3. LEAs identified for the Targeted, Compliance-only monitoring tier and level are not required to participate in the CIM process.

The Monitor expressed concern that the Phase 3 Design Sub-Phase Report did not provide adequate materials with which to determine whether the monitoring framework and activities as designed are reasonable and sufficient to support CDE's federal mandate to monitor LEAs under IDEA. To better describe the proposed monitoring framework, CDE submits its draft CIM Guide as **Attachment 4**. While this CIM Guide is still in development, CDE provides the draft CIM Guide to further clarify the proposed design of its monitoring activities, and address any additional discrepancies that the

*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC

## **RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE REPORT**

Monitor noted between CDE's proposed monitoring and the materials CDE subsequently provided to the Monitor on May 6, 2022.

CDE also includes **Attachments 5 and 6**, a revised sorting chart and a revised required activities chart, respectively. In response to the Monitor's concerns, CDE has made revisions to the sorting and required activities charts previously provided submitted with its April 15, 2022 Phase 3 Design Sub-Phase Report.

Once the Court approves CDE's proposed monitoring activities described in its Design Sub-Phase Report as clarified and amended herein, CDE intends to implement those activities. CDE intends to provide evidence of the implementation of this monitoring as designed as part of the Phase 3 Implementation Sub-Phase.

### **Monitoring and Support Tiers**

#### **Targeted Monitoring and Support**

##### ***Omission of Targeted Tier, Level 1 as Evidenced in Provided Annual Determination Letter***

In response to this concern, CDE refers the Monitor to the previous sections entitled Clarification of April 15, 2022 Phase 3 Design Sub-Phase Report and Additional Materials Provided on May 6, 2022 and LEAs Required to Participate in the CIM Process.

##### ***Criteria to Identify LEAs for Targeted, Compliance-Only Monitoring***

In response pages 23 and 24 of the Monitor's Report, CDE notes that the Monitor accurately summarizes the criteria CDE proposes to use to sort and support LEAs under the Targeted Tier, Compliance-Only monitoring level.

##### ***Clarification of "not making progress" and the Impact of "progress made"***

The Monitor requests clarification on the operational definition of "not making progress" and the impact that "progress made" has on how LEAs are sorted into CDE's proposed monitoring tiers and differentiated monitoring levels.

With respect to those LEAs whose data demonstrates that its performance is staying the same or getting worse on any indicator over three years, CDE considers such LEAs to be "not making progress." The CIM is a multi-year process that recognizes that meaningful improvement likely does not occur in a short period of time. It is thus reasonable for CDE to use a three-year period to allow the LEA to implement their improvement plan, and to expect that improvement can be adequately evidenced in the data. Additionally, this three-year time span is similar to how LEAs that are disproportionate for three years are deemed significantly disproportionate. Like the

*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC

## **RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE REPORT**

requirements for LEAs that are significantly disproportionate, those LEAs who are not making progress follow a similar process: in the first year, an LEA develops the plan to improve, in the second year, the LEA implements the plan, and in the third year, CDE expects an impact to the data occurs following implementation of the LEA's improvement plan. If there is no improvement, then CDE deems the LEA to be needing additional supports at a higher level within its proposed monitoring framework.

### ***Confirm Performance Areas used for Targeted Tier, Level 3***

In its Further Phase 2 Compliance Report, CDE described the data and its ranking methodology to identify LEAs for further monitoring under the Intensive Tier for both school-age (ages 6 through 21) and preschool age (ages 3 through 5). (Dkt. 2545, pp. 26-28 and pp. 32-34, respectively). CDE proposes using the same data and ranking methodology approved by the Court (Dkt. 2598, p 5-6) as the criteria to identify LEAs for Targeted Tier, Level 3 monitoring.

### ***Discrepancies in Accessible CIM Materials and Presented Sorting Chart***

In response to the Monitor's concerns regarding discrepancies in CDE's CIM materials and sorting chart, CDE refers the Monitor to the previous section entitled Clarification of April 15, 2022 Phase 3 Design Sub-Phase Report and Additional Materials Provided on May 6, 2022.

### ***CDE Standards and Compliance Items to Distinguish between a Student-level and System-level Corrective Action***

The Monitor requests standards for requiring student-level correction versus those that require system-level changes for timeline noncompliance. (Dkt. 2679, p. 26). Because CDE is still developing final standards, does not have further information to provide at this time.

### ***Sorting LEAs into "Self-Monitoring" when Target is Missed by a Wide Margin***

CDE acknowledges the Monitor's concern as to a situation in which an LEA misses a performance target by a wide margin but is sorted into a largely self-monitoring level. CDE agrees that additionally requiring the LEA to engage in investigative and explorative activities at a higher level of engagement may better support LEAs whose data demonstrate they are performing poorly on any key "FAPE in the LRE" indicator. In response, CDE proposes an adjustment to the monitoring processes described in its Phase 3 Sub-Phase Design Report. For LEAs whose data indicate they are the bottom 10 percent on any key "FAPE in the LRE" indicator, the LEA will graduate from Targeted Tier, Level 1 or 2 to Targeted Tier, Level 3, as reflected in **Attachment 5**, the revised sorting chart.

*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC

## **RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE REPORT**

CDE previously identified the following indicators as most closely aligned with FAPE in the LRE:

### School age

- Proficiency rate in English Language Arts
- Proficiency rate in Math
- Rate of suspension
- Rate of chronic absenteeism
- Rate of students in a regular class greater than 80% of the day
- Rate of students in a regular class less than 40% of the day

### Preschool age

- Average rate of child outcomes on statewide early childhood assessment
- Rates of suspension and expulsion for children ages 3-5
- Rate of students ages 3-5 who receive a majority of special education in a regular preschool classroom
- Rate of students ages 3-5 who receive a majority of special education and related services in separate schools and placements

As part of its existing data analyses, CDE assigns an LEA a score by the LEA's performance for each indicator listed above. To address the Monitor's concerns, CDE proposes using the existing ranking to identify when an LEA is identified in the bottom 10 percent for any one of the indicators listed above. If an LEA was currently sorted into Targeted Tier, Level 1 because it missed one indicator, but when cross-checked, the LEA is identified as being in the bottom 10 percent in any of the indicators most closely aligned with the FAPE in LRE, the LEA will graduate to Targeted Tier, Level 3. CDE requires LEAs identified as Targeted Tier, Level 3 to conduct additional required monitoring activities, and to complete certain additional monitoring activities with assistance.

## **Intensive Monitoring and Support**

### ***Sorting LEAs into Differentiated Monitoring Tiers based on Preschool Age and School Age Performance***

The Monitor is correct: CDE will continue with its original proposal to assess LEAs' performance in both areas of Preschool and School Age performance. CDE intends to use the same analytical models as previously presented and approved by the Court in Phase 2. For example, if an LEA is identified for disparate monitoring and levels (e.g., Intensive Tier, Level 1 based on its performance in school age but Intensive Tier, Level 2 for preschool age), the LEA will be sorted into the most supportive level of monitoring,



*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC

## **RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE REPORT**

e.g., Intensive Tier, Level 2.

### ***Confirm Selection Criteria to Sort LEAs into Intensive Tier, Levels 1 through 3***

In response to the Monitor's request for confirmation, CDE refers the Monitor to the previous section entitled Clarification of April 15, 2022 Phase 3 Design Sub-Phase Report and Additional Materials Provided on May 6, 2022, as well as **Attachment 5**.

### ***Clarify CIM Process Support/Engagement Levels***

The Monitor requests that CDE confirm the difference between "close supervision" and "direct supervision" as it pertains to LEAs sorted into the three levels of monitoring under the Intensive Tier. A fuller clarification is set forth in **Attachment 4**, the CIM Guide, as well as clarification of the roles for each activity. In summary, CDE provides the following distinctions between "close supervision" for LEAs in Intensive Tier, Levels 1 and 2, and "direct supervision" for LEAs in Intensive Tier, Level 3:

- "Close supervision" means LEAs are supported by their SELPA, appropriate TA Provider(s) and CDE monitoring staff.
- "Direct supervision" means LEAs are supported by their SELPA and appropriate TA Provider(s), but with CDE monitoring staff as the lead support and providing direct oversight of activity completion.

## **Substance of CDE's Monitoring and Support System for Non-Small LEAs**

### **CIM Process Step 1: Gather and Inquire**

#### **Team Creation**

The Monitor identifies a helpful addition to the list of required activities that will support LEAs in the CIM Process. As reflected in **Attachment 6**, CDE has amended its list of required activities in CIM Process, Step 1, to include "Team Creation."

### **Policies, Practices, and Procedures Review**

#### ***Policies, Practices, and Procedures Review – Targeted***

#### **Adequacy of the Policies, Practices, and Procedures Review**

The Monitor requests that CDE demonstrate the adequacy of the Policies, Practices and Procedures Review, and to provide specifics on the sample size and composition and CDE protocols. (Dkt. 2679, p. 39). CDE refers the Monitor to the previous section entitled Purpose of Policies, Practices, and Procedures Review in Relation to the



*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC

## **RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE REPORT**

Additional Monitoring Activities, in which CDE explains that it is still developing final sampling methodologies for performance areas other than Disproportionality.

### **Clarification of Disproportionality and Policies, Practices, and Procedures Review**

The Monitor requests that CDE address certain issues he noted when reviewing Exhibits 30, 34 and 36 submitted to the Monitor on May 6, 2022, as it relates to Disproportionality. (Dkt. 2679, p. 43).

Specific to Exhibits 30 and 34—software reports on initial and follow up reviews—CDE confirms that up to 10 student files<sup>2</sup> are reviewed for each of the disproportionality indicators for the initial, Prong I review. CDE confirms that up to five student files are reviewed for each of the disproportionality indicators for Prong II when noncompliance is found. Lastly, CDE confirms that Ex. 36, a summary report detailing the number of years an LEA has been identified as disproportionate, displays LEAs identified for both Disproportionality and Significant Disproportionality.

### **Clarification of Item 2-4-1**

The Monitor requests that the CDE confirm the required corrective actions for Compliance Item 2-4-1. (Dkt. 2679, p. 44, ft. 50). CDE confirms that Compliance Item 2-4-1 does contain both student-level and policy and procedure corrective actions. The corrective actions for this item are as follows:

**Student-level:** Unless the parent and the LEA agreed that a reevaluation was unnecessary, the District must provide evidence that it has conducted reevaluations: a) not more frequently than once a year; b) at least every three years; c) when the LEA determines that the educational or related service needs (including improved academic achievement and functional performance) warrants an evaluation; d) at the student's parents' or teacher's request.

**Policy and Procedure-level:** The District must provide evidence that it (1) has policies and procedures that are compliant with state and federal law related to preparing and conducting three-year reevaluations and subsequent IEP meetings; (2) notified staff and

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<sup>2</sup> CDE clarifies that the limit on the number of student files reviewed is because the Policies, Practices, and Procedures Review for Disproportionality specifies review of student files that match the area(s) identified as disproportionate. The Monitor agrees that tying the review of student files to the areas in which the LEA is identified as disproportionate is a best practice, in that identification of the student files to be reviewed should flow from the reason(s) for monitoring selection. (Dkt. 2679, p. 39). In some instances, however, the LEA may not have ten students for the initial review or five additional students for any subsequent student file review.

*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC

## **RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE REPORT**

administrators of the District's policies and procedures related to preparing and conducting three-year reevaluations and subsequent IEP meetings; and (3) conducted in-service training for staff and administrators related to preparing and conducting three-year reevaluations and subsequent IEP meetings.

### ***Policies, Practices, and Procedures Review – Intensive***

#### **Clarify Corrective Actions when a Policy and Procedure is found Noncompliant**

The Monitor requests that CDE clarify the corrective actions applied to an LEA when a policy and procedure area is found noncompliant during a Policies, Practices, and Procedures Review. (Dkt. 2679, p. 51). CDE clarifies that when an LEA is found noncompliant for policy and procedures, the LEA must demonstrate that it has the required compliant policy before the corrective action can be cleared. In situations where the LEA is found noncompliant for policies and procedures, the LEA either had a compliant policy and failed to submit it as evidence, or the LEA would need to create a new compliant policy and submit that as evidence. Once the LEA has demonstrated it has a compliant policy, CDE requires at least one corrective action: the LEA must provide evidence that it has compliant policies and procedures to address the noncompliance. CDE may assign additional corrective actions if it finds an LEA noncompliant in a Policies and Procedures review.

### **Educational Benefit Review**

#### ***Educational Benefit Review – Intensive***

The Monitor requested CDE respond to five issues noted for the Educational Benefit Review, required for LEAs in the Intensive Tier.

#### **Level of Engagement/Support for LEAs in Intensive Tier, Level 1**

The Monitor requests that CDE clarify the level of engagement and support LEAs identified for Intensive Tier, Level 1 will receive as part of the Educational Benefit Review. (Dkt. 2679, p. 54). LEAs identified for Intensive Tier, Level 1 are required to complete the Educational Benefit Review at the Required, Independent level. CDE refers the Monitor to the previous section entitled Clarification of April 15, 2022 Phase 3 Design Sub-Phase Report and Additional Materials Provided on May 6, 2022 as well as Attachment 6.

#### **Proper Legal Citations for Educational Benefit Review**

The Monitor identified an issue with the regulations cited and used during the Educational Benefit Review. (Dkt. 2679, p. 60). CDE has updated the four items used in

*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC**RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE REPORT**

Educational Benefit Review since submission of its Phase 3 Design Sub-Phase Report. Item numbers have been changed to better distinguish these items from similar items used during a Policies, Practices, and Procedures Review. CDE has slightly modified the wording of the compliance items and updated the citations to better reflect FAPE in the LRE.

**Figure 1**, below, shows CDE's updates and additions underlined:

**Figure 1**

Item No.	Compliance Test	Compliance Standard	Other Guidance	Legal Citations
<u>14-1-1</u>	<u>During the period covered by the review for educational benefit, did</u> the IEP include a direct relationship between the present levels of performance, goals and the specific educational services to be provided?	The IEP shall show a direct relationship between the student's present levels of performance, the goals and objectives, and the specific educational services to be provided.	There must be a logical consistency between the assessment report, the student's present levels of performance, annual goals and benchmarks, and services that will be provided.	5 CCR 3040(b).
<u>14-1-2</u>	<u>During the period covered by the review for educational benefit, did</u> the IEP include descriptions of program modifications that will be provided to enable the student to: 1) Advance toward attaining annual goals? 2) Be involved and make progress in the general education curriculum and participate in extra-curricular activities? 3) Be educated and participate with other students with disabilities and with nondisabled students?	The IEP should include a statement of the program modifications or supports for school personnel that will be provided to enable the student to advance toward attaining annual goals, be involved and make progress in the general education curriculum and participate in extracurricular activities, and to be educated and participate with other students with disabilities and with nondisabled students.	Must be documented in the IEP.	20 USC 1414(d)(1)(A)(i)(IV)(aa), (bb), and (cc). 34 CFR 300.320 (a)(4), EC 56345 (a) (4) (A) (B) (C).
<u>14-1-3</u>	<u>During the period covered by the review for educational benefit, did</u> the LEA make a free appropriate public education available to the student?	Records, documentation, and interviews must indicate that all children with a disability have a free appropriate public education available to them.	Review the components of FAPE in 34 CFR 300.17 Generally, does the LEA serve all eligible children? Are they served at no cost to the parents? Are services	20 USC 1412(a)(1), 34 CFR 300.101, <u>EC 56040</u> .

*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC**RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE REPORT**

Item No.	Compliance Test	Compliance Standard	Other Guidance	Legal Citations
			provided under public supervision? Does it include a regular preschool, elementary and secondary education? And are the services provided in conformity with an IEP?	
14-1-4	<u>During the period covered by the review for educational benefit, did the LEA assist the student to achieve the goals listed in the IEP or revise the IEP if the student demonstrates a lack of anticipated progress?</u> Also, for a student eligible for statewide testing using the California Alternate Assessment (CAA), does the LEA assist the student to achieve the benchmarks listed in the IEP or revise the IEP if the student demonstrates a lack of anticipated progress?	A review of records, other documentation and interviews must demonstrate that the LEA ensured that the annual IEP goals and if appropriate, benchmarks, were measurable and designed to meet the student's needs that result from the student's disability.	Consider whether the goals and objectives are appropriate, whether they have been adjusted over time. Consider whether the goals, objectives and services are reasonably calculated to enable the child to benefit from special education and related services. Consider whether the District has provided consistent related and support services to the child (consistent staffing). Consider whether the locations, facilities, equipment and materials are comparable to those provided for all other students.	20 U.S.C. 1414(d)(4)(A)(ii)(I); 34 CFR 300.324(b)(1)(ii)(A); EC 56345(a)(1,2); EC 56341.1(d)(1); and EC 56343(b).

**Corrective Actions Assigned to an LEA when Noncompliance is Found**

The Monitor requested that CDE confirm whether corrective actions are assigned when noncompliance is found during an Educational Benefit Review. (Dkt. 2679, p. 63). As clarified above, there are four specific items examined in an Educational Benefit Review.

**Figure 2** below lists the following corrective actions that CDE issues for each item where an LEA is found noncompliant during an Educational Benefit Review:

*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC

## RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE REPORT

**Figure 2**

Item No.	Compliance Test	Corrective Actions
14-1-1	During the period covered by the review for educational benefit, did the IEP include a direct relationship between the present levels of performance, goals, and the specific educational services to be provided?	<ol style="list-style-type: none"> <li>1. The LEA must provide evidence that it has policies and procedures that are compliant with state and federal law related to the IEP including documentation of a direct relationship between the present levels of performance, goals and objectives, and the specific educational services to be provided.</li> <li>2. The LEA must provide evidence that it has notified administrators and staff of the LEA's policies and procedures related to the IEP including documentation of a direct relationship between a student's present levels of performance, goals and objectives, and the specific educational services to be provided.</li> <li>3. The LEA must provide evidence that it has conducted in-service training for staff and administrators related to the IEP including documentation of a direct relationship between a student's present levels of performance, goals and objectives, and the specific educational services to be provided.</li> <li>4. Prong II: CDE staff will ensure that all student records are compliant with the required standard. California Department of Education staff will sample half of the IEPs for the most recent six months, up to five students and conduct an educational benefit review to ensure that the most recent IEP includes a direct relationship between the student's present levels of performance, goals and objectives, and the specific educational services to be provided.</li> <li>5. The LEA must reconvene the IEP team or complete an amendment to ensure the IEP includes a direct relationship between the student's present levels of performance, goals and objectives, and the specific educational services to be provided.</li> </ol>
14-1-2	During the period covered by the review for educational benefit, did the IEP include descriptions of program modifications that that would be provided to enable the student to: 1) advance toward attaining annual goals; 2) be involved and make progress in the general education curriculum and participate in extra-curricular activities; 3) be educated and participate with other students with disabilities and with nondisabled students?	<ol style="list-style-type: none"> <li>1. The LEA must provide evidence that it has policies and procedures that are compliant with state and federal law related to the provision of program modifications or supports for school personnel that will be provided to enable the student to advance toward attaining the annual goals, to be involved in and progress in the general education curriculum, to participate in extracurricular and other nonacademic activities, and to be educated and participate with disabled and nondisabled students.</li> <li>2. The LEA must provide evidence that it has notified administrators and staff of the LEA's policies and procedures related to documenting in the IEP program modifications or supports for school personnel that will be provided to enable the student to advance toward attaining the annual goals, to be involved in and progress in the general education curriculum and to participate in extracurricular and other</li> </ol>

*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC**RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE  
REPORT**

Item No.	Compliance Test	Corrective Actions
		<p>nonacademic activities, and be educated and participate with students with and without disabilities.</p> <ol style="list-style-type: none"> <li>3. The LEA must provide evidence that it has conducted in-service training for staff and administrators related to documentation in the IEP of program modifications or supports for school personnel that will be provided to enable the student to advance toward attaining the annual goals, to be involved in and progress in the general education curriculum, to participate in extracurricular and other nonacademic activities, and be education with students with and without disabilities.</li> <li>4. Prong II: CDE staff will ensure that all student records are compliant with the required standard. California Department of Education staff will sample half of the IEPs for the most recent six months, up to five students and conduct an educational benefit review, to ensure that the most recent IEP includes descriptions of program modifications or supports for school personnel that will be provided to enable the student to advance toward attaining the annual goals, to be involved in and progress in the general education curriculum, to participate in extracurricular and other nonacademic activities, and be educated and participate with students with and without disabilities.</li> <li>5. The LEA must reconvene the IEP team or complete an amendment to ensure the IEP includes descriptions of program modifications that will be provided to enable the student to: 1) advance appropriately toward attaining annual goals; 2) be involved and make progress in the general education curriculum and participate in extracurricular activities; 3) be educated and participate with other students with disabilities and with nondisabled students.</li> </ol>
14-1-3	During the period covered by the review for educational benefit, did the LEA make a free appropriate public education available to the student?	<ol style="list-style-type: none"> <li>1. The LEA must provide evidence that it has policies and procedures that are compliant with state and federal law related to making a free appropriate public education available to all eligible children with disabilities, who are between the ages of 3 and 21, inclusive.</li> <li>2. The LEA must provide evidence that it has notified administrators and staff of the LEA's policies and procedures related to making a free appropriate public education available to all eligible children with disabilities, who are between the ages of 3 and 21, inclusive.</li> <li>3. The LEA must provide evidence that it has conducted in-service training for staff and administrators related to making a free appropriate public education available to all eligible children with disabilities, who are between the ages of 3 and 21, inclusive.</li> <li>4. CDE staff will ensure that all student records are compliant with the required standard. California Department of Education staff will sample half of the IEPs for the most recent six months, up to five students, and conduct an educational benefit review to ensure that the LEA makes a free appropriate</li> </ol>

*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC**RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE  
REPORT**

Item No.	Compliance Test	Corrective Actions
		<p>public education available to all eligible students, who are between the ages of 3 and 21, inclusive.</p> <p>5. The LEA must provide evidence it has made a free appropriate public education available to the student for any noncompliance identified during the review of the current year IEP. For noncompliance identified in IEPs prior to the current year, student-level corrective action cannot be completed. Please see the LEA-level corrective action.</p>
14-1-4	<p>During the period covered by the review for educational benefit, did the LEA assist the student to achieve the goals listed in each IEP or revise the IEP if the student demonstrates a lack of anticipated progress? Also, for a student eligible for statewide testing using the California Alternate Assessment (CAA), does the LEA assist the student to achieve the benchmarks listed in the IEP or revise the IEP if the student demonstrates a lack of anticipated progress?</p>	<p>1. The LEA must provide evidence that it has policies and procedures that are compliant with state and federal law related to making a good faith effort to assist the child to achieve the goals listed in the IEP.</p> <p>2. The LEA must provide evidence that it has notified administrators and staff of the LEA's policies and procedures related to making a good faith effort to assist the child to achieve the goals listed in the IEP.</p> <p>3. The LEA must provide evidence that it has conducted in-service training for staff and administrators related to making a good faith effort to assist the child to achieve the goals listed in the IEP.</p> <p>4. CDE staff will ensure that all student records are compliant with the required standard. California Department of Education staff will sample half of the student IEPs for the most recent six months, up to five students, and conduct an educational benefit review to ensure that the in the most recent IEP, the LEA assists the student to achieve the goals and benchmarks (for students with severe disabilities) listed in the IEP.</p> <p>5. If noncompliance was found in the current IEP, the LEA must provide evidence that the IEP team has been reconvened to review the educational benefit findings for the student and revised the student's program to address the concerns identified in the record review. If noncompliance was found in an IEP completed prior to the current year, no student-level corrective action can be completed. Please refer to the LEA-level corrective action.</p>

**Update to Corrective Action Language re: "Referrals"**

The Monitor requests that CDE clarify the term "referral" when used in corrective actions for two of the four compliance items used in the Educational Benefit Review. (Dkt. 2679, p. 63). CDE acknowledges that "referrals" was used incorrectly in the Phase 3 Design Sub-Phase Report. Along with the changes noted above, language for the specific corrective actions for Items 14-1-3 and 14-1-4 has been changed to address this issue as follows: "CDE staff will ensure that all student records are compliant with the required



*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC

## **RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE REPORT**

standard. California Department of Education staff will sample half of the student **IEPs** for the most recent six months.” (Emphasis added).

### **Educational Benefit Review as Required by the Corrective Action**

With the modifications made to the four compliance items, CDE confirms that an Educational Benefit Review is a required corrective action for each of the four compliance items. Specific to the compliance item called out by the Monitor (Item 3-2-5, now revised to 14-1-2), Corrective Action 4 determines the following:

4. Prong II: CDE staff will ensure that all student records are compliant with the required standard. California Department of Education staff will sample half of the IEPs for the most recent six months, up to five students and conduct an educational benefit review, to ensure that the most recent IEP includes descriptions of program modifications or supports for school personnel that will be provided to enable the student to advance toward attaining the annual goals, to be involved in and progress in the general education curriculum, to participate in extracurricular and other nonacademic activities, and be educated and participate with students with and without disabilities.

## **Parent Input**

### ***Parent Input – Targeted***

#### **Required Activity and Level of Support**

The Monitor questioned why an LEA that is only in Targeted Tier, Levels 1 and 2 might be selected because of the failure to meet the target in the Parent Input indicator, but would not be required to complete the Parent Input activity. (Dkt. 2679, p. 65). CDE acknowledges this concern, and has modified the required activities for LEAs in Targeted Tier, Levels 1 and 2. Thus, if the LEA does not meet the Parent Input indicator target, the LEA is required to conduct the Parent Input activity at the required, independent support level.

Further, the Monitor requests that the CDE confirm the level of support for LEAs in Targeted Tier, Level 2 and Intensive Tier, Level 1 (Dkt. 2679, p. 65). CDE confirms that when an LEA is directed to complete the Parent Input activity as “Required, Independent,” the LEA is required to complete the activity independently. As noted above, CDE will provide the training and tools to complete the CIM activity, but it will only provide individualized assistance to the LEA upon request.

*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC

## **RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE REPORT**

### **CIM Process Step 2 through 4**

The Monitor requests clarification on how a particular activity is completed, including clarification to describe how the LEA will walk through the activity and how CDE will assess the reported results, when applicable. CDE refers the Monitor to **Attachment 4**, as its contents provide further clarification for CIM Steps 2 and 3. Because CDE is still developing CIM Step 4, Implementation and Ongoing Monitoring, it cannot provide further clarification at this time.

### **Cyclical Monitoring of Small LEAs**

The Monitor did not request a direct response regarding CDE's proposed monitoring for Small LEAs; however, CDE provides additional information to support some of the missing components that the Monitor identified as preventing a compliance determination. As noted, CDE is continuing to develop final materials. Nevertheless, CDE refers the Monitor to **Attachment 4**, for additional information on CDE's proposed cyclical monitoring of Small LEAs.

### **Annual Determinations**

#### **Criteria for "Needs Substantial Intervention"**

The Monitor requested criteria and an explanation as to how an LEA would be labeled as "Needs Substantial Intervention" as their annual determination. CDE is still developing the criteria with respect to this determination and is unable to provide an explanation at this time.

### **Annual Determinations and Small LEAs**

CDE collects data for small LEAs annually to determine timeline compliance and Disproportionality.<sup>3</sup> Results of these analyses may identify a small LEA for further monitoring.

When a small LEA is identified once every three years for cyclical monitoring, the LEA is required to conduct a self-study, comprised of a Policies, Practices, and Procedures Review and an Educational Benefit Review. CDE analyzes data collected from Policies, Practices and Procedures and Educational Benefit Reviews alongside the LEA's annually reported data to determine timeline compliance and disproportionality.

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<sup>3</sup> Disproportionality determination occurs when the LEA meets the minimum n-size requirements.

*Emma C. v. Thurmond et al.*; Case No. 96-cv-04179-VC

## **RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN SUB-PHASE REPORT**

Because CDE's proposed cutoffs for identification into the appropriate monitoring tiers and levels, as well as CDE's criteria to determine the small LEA's annual determination, are still in development, it cannot provide further clarification at this time.

### **Enforcement**

#### **Confirm "Report Use" for Targeted Tier, Level 2**

CDE requires that the LEA report any and all technical assistance that it used to address the areas of noncompliance or poor performance. This requires the LEA to identify the technical assistance the LEA accessed, the technical assistance services that were provided to the LEA, and how the technical assistance was used to support the LEA. The LEA must also report on the impact of technical assistance on performance using survey data, local quantitative data, and state reported outcome data.

#### **High-Risk Grantee and Criteria for All Possible Enforcement Mechanisms**

The Monitor requests the CDE explain what it means to be a "high-risk" grantee and provide its criteria for each possible enforcement mechanism. Because CDE is still continuing to develop these criteria, it cannot provide a further explanation at this time.

1 ROB BONTA  
Attorney General of California  
2 DARRELL W. SPENCE  
Supervising Deputy Attorney General  
3 KIRIN K. GILL, State Bar No. 259968  
Deputy Attorney General  
4 State Bar No. 259968  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6172  
Fax: (916) 324-5567  
7 E-mail: Kirin.Gill@doj.ca.gov  
*Attorneys for Defendants*  
8 *California Department of Education, Tony*  
*Thurmond, in his official capacity as the State*  
9 *Superintendent of Public Instruction, and State*  
*Board of Education*

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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15 **EMMA C., et al.,**

16 Plaintiffs,

17 **v.**

18 **THURMOND, et al.,**

19 Defendants.  
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3:96-cv-04179-VC

**ATTACHMENT 4**

Judge: The Honorable Vince Chhabria

#### Attachment 4

# Compliance and Improvement Monitoring (CIM) Guide

## Introduction

This guide focuses on certain the Compliance and Improvement (CIM) process. It provides an overview of the California Department of Education's (CDE) approach to monitoring LEAs in a tiered system, the level of support and engagement and the activities and resources related to the CIM.

**This guide is currently in development. Edits are expected.**

## CDE's Approach Toward Special Education Monitoring to Meet Federal Monitoring Requirements

The majority of the California Department of Education's (CDE's) monitoring and enforcement obligations and provision of technical assistance to LEAs arise from 20 U.S.C. § 1416 and implementing regulations, 34 C.F.R. § 300.600 et seq. Consistent with these requirements and objectives, CDE's monitoring framework is designed to address fundamental, systemic concerns within LEAs and to support their improvement in meeting the program requirements under IDEA Part B, primarily emphasizing those requirements most closely aligned with improving educational results and functional outcomes for their students with disabilities (SWD). (See 34 C.F.R. § 300.600(b)).

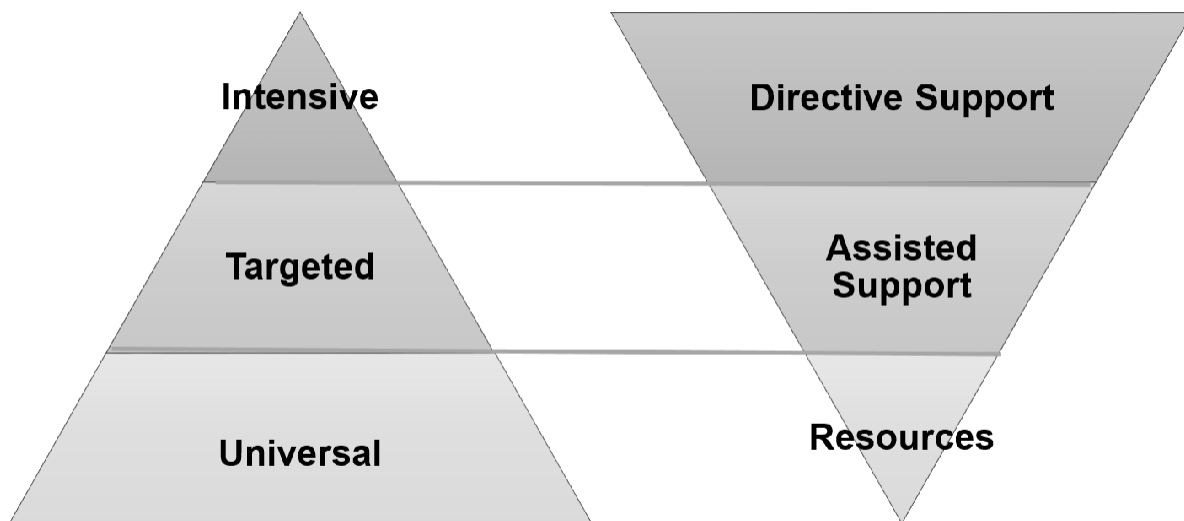
## Monitoring LEAs in the Tiered System

The CDE's monitoring framework uses a tiered system that differentiates the level of monitoring and technical assistance supports for each LEA based on data analyses and that LEA's need.

The CDE's tiered monitoring model includes three tiers: universal monitoring, targeted monitoring, and intensive monitoring. LEAs that remain in universal monitoring have access to resources from the State to support their continued compliance and performance. Within the targeted and intensive monitoring tiers, the CDE further differentiates the level of engagement and activities that LEAs participate in so as to best support LEAs to implement improvement activities that support improved outcomes for SWD.

**Figure 1** displays the level of engagement and support the CDE provides to LEAs based on its monitoring tier.

**Figure 1**



Targeted and intensive monitoring for LEAs begins each year upon the publication of the annual determination letter to each LEA. The CDE sends each LEA a letter that notifies the LEA of: (1) its annual determination of whether the LEA has met IDEA Part B requirements, the data used to make that determination, and any required actions or sanctions required under 34 C.F.R. §§ 300.600(a) and 300.603; (2) its monitoring tier for the upcoming monitoring year; and, if applicable, (3) if it has been identified as significantly disproportionate and the resulting required actions. Once an LEA is identified for the appropriate monitoring tier, the CDE directs the LEA to begin the Compliance and Improvement Monitoring (CIM) process.

The core of CDE's monitoring framework is the CIM process, described in greater detail below. LEAs in targeted or intensive monitoring for performance are required to participate in and complete the CIM process as part of their ongoing, annual monitoring activity. The CIM process is a series of steps and activities by which the CDE identifies and assists LEAs to identify areas for correction and improvement, and develop an integrated plan to address those areas.

LEAs identified for Targeted Tier, Levels 1, 2 and 3 and Intensive Tier, Levels 1, 2 and 3 are required to participate in the CIM process. The CIM is a multi-year process that recognizes that meaningful improvement likely does not occur in a short period of time. Therefore, it requires an LEA's sustained focus on the areas in need of improvement to support positive outcomes for SWDs.

## Universal Monitoring and Support

The CDE provides universal monitoring and support to each LEA in the State annually, regardless of the LEA's performance. Universal monitoring includes collection and analysis of both compliance and performance data, review of fiscal information including Maintenance of Effort, and review of the local Special Education Local Plan Area ("SELPA") assurances. For those LEAs that have no procedural noncompliance, are not disproportionate, have met all performance targets, have no corrective actions to perform, and for whom the CDE did not identify areas of concern in nonpublic schools ("NPS") reviews, the CDE does not require them to participate in the targeted or intensive monitoring CIM processes. LEAs in universal monitoring do not receive direct technical assistance from the CDE or CDE-funded technical assistance (TA) providers. However, the CDE makes available resources and tools for those LEAs to address improvement voluntarily.

LEAs that are not identified for targeted or intensive monitoring are determined to "Meet Requirements" in their Part B Annual Determination. While LEAs in this tier will have the same access to the CDE's training and supports to complete self-guided activities as those LEAs identified for targeted monitoring, the CDE does not require the "Meets Requirements" LEAs to participate in those self-guided activities, nor does the CDE monitor those LEAs' participation in those activities unless the LEA is found not to meet requirements in a subsequent year.

## Targeted Monitoring and Support

The CDE provides targeted monitoring and support to LEAs whose data indicate areas of concern related to performance, compliance, and/or disproportionality that may impact SWD performance. For LEAs that the CDE identifies for targeted monitoring, their data does not indicate ongoing, systemic noncompliance or a need for intensive support. The data for LEAs in this tier indicates that the LEA can engage in correction and improvement with less CDE support and oversight than those LEAs identified for intensive monitoring. The CDE requires that LEAs with concerns related to performance and identified for targeted monitoring participate in the CIM process and complete various activities within that process. The areas of focus for the CDE's monitoring of these LEAs are based on the areas of concern that identified the LEA for targeted monitoring.

LEAs selected for targeted monitoring are required to complete the activities in the CIM process with CDE and TA provider guidance and support, and CDE monitors the LEA's implementation of the CIM plan. CDE differentiates the level of intervention and the LEA's required activities depending on the areas of concern within that LEA. CDE monitors every LEA that is identified for targeted monitoring to determine if the LEA corrects noncompliance and improves outcomes.



## **Differentiation in Targeted Monitoring**

LEAs are identified for compliance-only or differentiated targeted monitoring when facing barriers with procedural compliance or improving special education outcomes. LEAs identified for compliance-only targeted monitoring are those whose data show that SWD are meeting performance targets for improved outcomes, but have not demonstrated compliance with IDEA requirements. LEAs identified for targeted monitoring for issues other than compliance are provided a differentiated level of monitoring in one of three levels.

### ***Compliance-only Targeted Monitoring and Support***

LEAs are identified for compliance-only targeted monitoring in a number of ways. Primarily, the CDE identifies LEAs for compliance-only targeted monitoring based on data analysis with respect to timelines in six areas. Secondly, the CDE may identify LEAs for compliance-only targeted monitoring if they had noncompliance identified in a special education compliance complaint investigation report, an Office of Administrative Hearings special education due process hearing decision, incomplete or untimely data submissions, fiscal or Nonpublic School (NPS) areas of concerns, or any other review of LEA data and student files.

The CDE only requires correction of noncompliance from these LEAs so that the CDE can allocate resources and apply graduated engagement to those LEAs with both performance and compliance concerns. For those LEAs identified for compliance-only targeted monitoring, the CDE continues to monitor compliance and makes available resources to allow these LEAs to proactively address any individually identified performance concerns.

The CDE requires that any LEA identified for compliance-only targeted monitoring must satisfy the corresponding corrective action and provide data demonstrating correction of the noncompliance, including subsequent data demonstrating 100 percent compliance. These LEAs are required to take these actions as soon as possible, but in any event, in not longer than one year after the CDE's identification of the noncompliance, consistent with federal law. (34 C.F.R. § 300.600(e)). Once the LEA has satisfied the corrective action, the CDE verifies that the LEA corrected any noncompliance per guidance from Office of Special Education Programs (OSEP) Memo 09-02.

LEAs identified for this type of monitoring are not required to participate in the CIM process nor complete and submit an improvement plan.

### ***Level 1 Targeted Monitoring and Support***

The CDE identifies LEAs for level 1 targeted monitoring where those LEAs: (1) do not meet one or two performance targets, and/or (2) are not making progress in addressing the systemic causes of low performance or have not corrected noncompliance. The CDE directs LEAs identified for level 1 targeted monitoring to conduct most of the required activities independently, or with the assistance of the LEA's SELPA, as

needed. Using templates provided by the CDE, the LEA is required to conduct an independent data drill down and review of the procedural compliance elements associated with the targets or areas in need of review. If the LEA's data shows noncompliance, or the LEA identifies potential noncompliance through the CIM activities, the CDE will assign corrective actions and require the LEA to submit evidence of correction and ongoing compliance to the CDE within one year. The CDE verifies that the LEA corrects any noncompliance per guidance from OSEP Memo 09-02.

The SELPA will support the LEA's progress through CIM activities and the development of the LEA's improvement plan and the CDE will provide support to the LEA upon the LEA's request. The CDE will further monitor the LEA's implementation of its improvement plan through existing data analysis processes of annual data collection.

### ***Level 2 Targeted Monitoring and Support***

The CDE identifies LEAs for level 2 targeted monitoring where those LEAs: (1) do not meet three or more performance targets, and/or (2) are in year one of Disproportionality. The CDE directs LEAs identified for level 2 targeted monitoring to conduct some of the required activities independently, or with the assistance of CDE-funded TA provider(s), as needed. Using templates providing by the CDE, the LEA is required to conduct an independent data drill down and review of the procedural compliance elements associated with the targets or areas in need of review. The CDE will assign corrective actions and require the LEA to submit evidence of correction and ongoing compliance to the CDE within one year. The CDE verifies that the LEA corrects any noncompliance per guidance from OSEP Memo 09-02.

Under CDE's design of this monitoring tier, the CDE requires the LEA's SELPA or County Office of Education (CDE) to support the LEA's progress of the CIM process and completion of required activities with support from TA provider(s), as needed, and approve the LEA's improvement plan. Similar to LEAs identified for level 1 targeted monitoring and support, the CDE will further monitor the LEA's implementation of its improvement plan through existing annual data collection and analysis processes.

### ***Level 3 Targeted Monitoring and Support***

The CDE identifies LEAs for level 3 targeted monitoring where those LEAs: (1) are performing in the bottom 11-20 percent of LEAs in those performance indicators most closely associated with the provision of a free, appropriate public education (FAPE) in the least restrictive environment (LRE) and data do not demonstrate improvement, such that the LEA is at risk for moving into the intensive monitoring tier; and/or (2) are identified as Disproportionate for the second consecutive year and data do not demonstrate improvement, such that the LEA is at risk of being identified as Significantly Disproportionate in the following year.

LEAs identified for level 3 targeted monitoring and support conduct some of the required activities independently, but the CDE requires these LEAs to complete other activities

with the assistance and guidance of TA provider(s) assigned by the CDE. Similar to other targeted monitoring levels, the LEA conducts an independent review of the procedural compliance elements associated with the targets or areas in need of review. The CDE will assign corrective actions and require the LEA to submit evidence of correction and ongoing compliance to the CDE within one year. The CDE verifies that the LEA corrects any noncompliance per guidance from OSEP Memo 09-02.

Under CDE's design of this monitoring tier, both CDE and the LEA's SELPA or COE will review, approve and support the LEA's implementation of the improvement plan. The CDE will further monitor the implementation of activities and the LEA's progress based on timelines and milestones that the LEA identified in its improvement plan. The CDE also requires the LEA's SELPA or COE to work closely with the LEA to ensure that the LEA meets those implementation timeline milestones.

## **Intensive Monitoring and Support**

The CDE provides intensive monitoring and support to those LEAs whose data on outcomes for SWD indicate systemic issues. The CDE requires that these LEAs participate in the CIM process and complete required activities with close oversight and direction from the CDE. Similar to targeted monitoring, intensive monitoring is differentiated, so that the types of activities and level of intervention the CDE requires is based on the LEA's need. The CDE will further monitor every LEA identified for intensive monitoring to determine if the LEA improves outcomes and provides support, including through CDE's TA provider(s) and the statewide system of support.

### ***Differentiation in Intensive Monitoring***

Similar to targeted monitoring, the CDE provides further monitoring and supports to LEAs identified for intensive monitoring in three levels.

#### ***Level 1 Intensive Monitoring and Support***

The CDE identifies LEAs for level 1 intensive monitoring and support where those LEAs: (1) are in the bottom 8-10 percent of LEAs in the intensive selection criteria, based on the examination of both school-age and preschool data; (2) have outstanding corrective actions assigned more than one year prior; and/or (3) are in year one of Significant Disproportionality.

The CDE requires that those LEAs identified for level 1 intensive monitoring and support conduct (1) some of the CIM process independently, (2) some with the assistance and guidance of a TA provider, and (3) some under CDE's close supervision. For intensive monitoring, CDE, not the LEA, conducts a review of the procedural compliance elements associated with FAPE in the LRE or Significant Disproportionality. Upon completion of the review, CDE notifies the LEA of any noncompliance and assigns corrective actions. The LEA must provide evidence of satisfactory correction of the noncompliance, including data demonstrating ongoing compliance to CDE as soon as

possible, but in any event, in not more than one year. CDE verifies correction of the noncompliance in accordance with OSEP Memo 09-02.

Under the CDE's design of this monitoring tier, CDE reviews, approves and further monitors implementation of the LEA's improvement plan. CDE will further monitor the implementation timeline milestones that the LEA identified in its improvement plan, and will work closely with the LEA to ensure that the LEA meets those implementation timeline and milestones.

### ***Level 2 Intensive Monitoring and Support***

The CDE identifies LEAs for level 2 intensive monitoring and supports where those LEAs: (1) are in the bottom 4-7.99 percent of LEAs in the intensive selection criteria based on the examination of both school-age and preschool data, and/or (2) in year two of Significant Disproportionality.

Under CDE's design of this monitoring tier, LEAs identified for level 2 intensive monitoring and support do not conduct any of the activities in the CIM process independently. The CDE requires that these LEAs complete some activities with the assistance and guidance of a TA provider provided by the CDE, and must complete most activities under CDE's close supervision. The CDE, not the LEA, conducts a review of the procedural compliance elements associated with FAPE in the LRE or Significant Disproportionality. Upon completion of the review, the CDE notifies the LEA of any noncompliance and assigns corrective actions. The LEA must provide evidence of satisfactory correction of the noncompliance, including data demonstrating ongoing compliance to the CDE as soon as possible, but in any event, in not more than one year. CDE verifies correction of the noncompliance in accordance with OSEP Memo 09-02.

Under the CDE's design of this monitoring tier, the CDE will review, approve, and further monitor the LEA's implementation of the improvement plan. The CDE will further monitor the implementation timeline milestones that the LEA identified in its improvement plan, and will work closely with the LEA to ensure that the LEA meets those implementation timelines and milestones.

### ***Level 3 Intensive Monitoring and Support***

The CDE identifies LEAs for level 3 intensive monitoring where those LEAs: (1) are in the bottom 0-3.99 percent of LEAs in the intensive selection criteria, based on examination of both school-age and preschool data; (2) have outstanding corrective actions assigned more than two years prior; and/or, (3) have been Significant Disproportionate for three or more years.

Under CDE's design of this monitoring tier, the CDE requires LEAs identified for level 3 monitoring and support to complete all activities in the CIM process under and alongside the CDE's direct supervision. These LEAs will not conduct any of the activities in the CIM process independently or with the assistance and guidance of a TA

provider; however, the CDE will assign relevant TA providers to participate in the monitoring and support as needed. Under the CDE's design of this monitoring tier, CDE will review, approve, and further monitor the LEA's implementation of the improvement plan. CDE will further monitor the implementation timeline milestones that the LEA identified in its improvement plan, and will work closely with the LEA to ensure that the LEA meets those implementation timeline and milestones.

The CDE will conduct a review of the procedural compliance elements associated with FAPE in the LRE or Significant Disproportionality. Upon completion of the review, the CDE notifies the LEA of any noncompliance and assigns corrective actions. The LEA must provide evidence of satisfactory correction of the noncompliance, including data demonstrating ongoing compliance to the CDE as soon as possible, but in any event, in not more than one year. CDE verifies correction of the noncompliance in accordance with OSEP Memo 09-02.

IN DEVELOPMENT

# **Compliance-only Targeted Monitoring and Support Activities**

## **Identification and Correction of Noncompliance**

As part of the CDE's general supervision responsibilities, the CDE completes a number of activities to review LEAs' compliance in certain areas. These compliance activities may result in the CDE identifying LEAs as noncompliant in one or more areas, at which time, the CDE will notify the LEA of the noncompliance, and assign the LEA associated corrective actions.

The CDE reviews compliance in all LEAs both annually and during the course of other parts of the general supervision. While the CDE does not require some LEAs to participate in the CIM process under the CDE's differentiated monitoring system, the CDE requires those LEAs to correct any identified noncompliance, complete mandated follow-up activities, and submit data to the CDE demonstrating correction of the noncompliance. The CDE reviews each item of noncompliance, and verifies correction of the noncompliance in accordance with OSEP Memo 09-02. The CDE verifies that the LEA has successfully corrected any individual instances of noncompliance by reviewing data or records, such as data from subsequent on-site monitoring or data collected through the State's data collection systems.

## **Timeline Noncompliance**

The CDE annually reviews and analyzes LEAs' data submitted to the CDE to determine if they have met required timelines set forth in federal and state statutes. The CDE's review of LEA's compliance in these areas include:

- SPP Indicator 11: One hundred percent of children were evaluated within 60 days of receiving parental consent for initial evaluation.
- SPP Indicator 12: One hundred percent of children referred by Part C prior to age three, who are found eligible for Part B, have an IEP developed and implemented by their third birthday.
- SPP Indicator 13: One hundred percent of youth aged 16 and above have an IEP that includes the eight required elements of transition.
- Whether the LEA held an IEP meeting at least once per year.
- Whether the LEA conducted a "triennial" re-evaluation to determine the student's continued eligibility for special education every three years.
- Whether the LEA held an informal resolution session with the parent within fifteen days of the parent's filing a request for a special education due process hearing with the Office of Administrative Hearings.



When the CDE identifies an LEA's noncompliance in one of the aforementioned areas, it notifies the LEA of all individual instances of noncompliance, including, for example, the student record or case in which the noncompliance was identified, and sets forth the appropriate corrective action. There are instances in which the CDE will require the LEA to correct the student-level noncompliance (late IEPs, late initial evaluations that are still not held by the data collection period, and incomplete transition plans). There are other instances where the CDE will require the LEA to make system-level changes to ensure that there are no future instances of noncompliance. For any finding of noncompliance, the CDE requires the LEA to demonstrate ongoing compliance with the requirements through submission of data to the CDE showing compliance.

## **Complaint Corrective Actions**

In exercising its monitoring and enforcement responsibilities pertaining to complaints and due process decisions, the CDE ensures that when it identifies an LEA's noncompliance, it requires LEAs to complete corrective actions as soon as possible, and in no case later than one year after the State identifies noncompliance. (See 34 C.F.R. § 300.600). The CDE identifies deadlines for an LEA's compliance in investigation reports or due process notification letters with the expectation that the LEA will resolve each corrective action within the required timeline identified in the investigation report or due process notification. The CDE further monitors an LEA's progress on these corrective actions and communicates with the LEA until the CDE has determined that all corrective actions are completed, by either verifying that the LEA corrected individual instances of noncompliance, and that the LEA has submitted data demonstrating compliance.

## **Compliance and Improvement Monitoring (CIM) Process**

The CDE has designed the CIM process to help LEAs (1) identify systemic issues in the LEA that lead to poor student outcomes, (2) create a plan that prioritizes those activities that will have the greatest impact on improving outcomes for SWD, and (3) implement that plan with fidelity. The CIM process includes Policies, Practices and Procedures reviews to assess an LEA's procedural compliance, as well as targeted activities such as a review of data, solicitation of parent input, initiative inventories, plan development, plan approval, and further monitoring of the implementation timeline.

The CIM process is a four-step process to leads the LEA to develop a cohesive and comprehensive plan. The CDE provides templates and guidance to LEAs for activities in each step.

- Step 1: Gather and Inquire. The LEA gathers, reviews and synthesizes data and information to determine the current issues that exist in the LEA.



- Step 2: Investigation. The LEA examines the issues identified in order to determine the causes of the issues, prioritize, and develop a theory of action to address the root cause.
- Step 3: Planning. The LEA identifies those activities that will have the greatest impact on improving outcomes for SWD and develops a detailed plan for implementation using parts of other improvement plans, including the Local Control Accountability Plan, developed by the LEA.
- Step 4: Implementation. LEAs, TA Providers and the CDE monitor the implementation of the plan over time to determine if the LEA is meeting its plan's timelines or milestones and to ensure the LEA is provided with the appropriate support. If the LEA is not meeting timelines or milestones, the CDE will provide the LEA further support to get back on track. CDE will also determine whether, at any time, the LEA needs to revise its plan and will provide appropriate feedback and support.

## Activities and Levels of Engagement and Support

The CIM process is designed so that LEAs receive differentiated levels of engagement and support from the CDE, SELPA and/or TA Providers when completing the CIM activities. The requirement for an LEA to complete an activity, and the extent to which an LEA receives support, depends on the tier and level of identified monitoring. CDE uses the following categories to designate if an activity is required, and if so, the level of support and engagement the LEA will receive.

### Optional, Optional\*

For those activities that the CDE identifies as optional or optional\*, in most cases, the CDE does not require the LEA to complete the activity.<sup>1</sup> An LEA may choose to complete an optional activity if the LEA believes doing so would support its improvement planning. As these activities are optional, verification of activity completion will not be completed.

### Required, Independent

The CDE requires an LEA to complete certain activities independently. The LEA may request the support of their SELPA, COE, or other TA providers. CDE will provide the training and tools to complete the CIM activities but will only provide individualized assistance to the LEA upon request.

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<sup>1</sup> CDE additionally identifies instances where an activity may be optional in most cases, but may be required due to specific LEA performance. Currently, for LEAs identified for Targeted Support, Levels 1 and 2 due – in part – to not meeting the Parent Input indicator, LEAs are required to complete the Parent Input monitoring Activity during CIM Process, Step 1. The CDE requires the LEA to complete the activity at the Required, Independent Level.

## **Required, Assisted**

The CDE requires an LEA to complete certain activities with the assistance of a TA provider. The CDE assigns LEAs a TA provider or directs LEAs to select a provider to assist with the completion of the CIM process or a specific CIM activity. The TA provider may support LEAs through webinars, trainings and one-on-one support depending on the LEA's needs.

## **Required, Directed**

LEAs selected for the highest levels of monitoring, in accordance with their data, require the greatest degree of CDE engagement. At such levels, the LEAs work closely and under the direct supervision of CDE in advancing through each step of the CIM process. The LEAs receive trainings, tools, and other assistance to complete the CIM process and receive additional support through the convening small regional cohorts and through one-on-one support from CDE and TA providers.

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## Activities and Roles by Tier and Level

### Targeted Tier Activity Summary Chart

	MONITORING TIER	TARGETED		
	DIFFERENTIATED MONITORING LEVEL	Targeted Level 1	Targeted Level 2	Targeted Level 3
	ANNUAL DETERMINATION	Needs Assistance	Needs Assistance	Needs Assistance
	CIM PROCESS PARTICIPATION AND ENGAGEMENT LEVEL	Required Independent	Required Independent	Required Assisted
CIM PROCESS STEPS > ACTIVITIES	STEP 1: Gather and Inquire			
	Team Creation	Required Independent	Required Independent	Required Assisted
	Data Drill Down	Required Independent	Required Independent	Required Assisted
	Assessment of Infrastructure	Optional	Optional	Optional
	Policies, Practices, Procedures Review	Required Independent	Required Independent	Required Independent
	Educational Benefit Review	Optional	Optional	Optional
	Parent Input	Optional*	Optional*	Required Independent
	STEP 2: Investigate			
	Root Cause Analysis	Required Independent	Required Independent	Required Assisted
	Prioritization	Optional	Optional	Required Independent
	Initiative Inventory	Optional	Optional	Optional
	Theory of Action/Improvement Framework	Optional	Optional	Optional
	STEP 3: Planning			
	Plan	Required Independent+	Required Independent+	Required Assisted
	Approval	SELPA	SELPA	SELPA+CDE
	Step 4: Monitoring Implementation Plan	N	SELPA	SELPA+CDE

## Targeted Level 1

### Selection

- a) The LEA has 1-2 unmet performance targets but not in the bottom 10% on any FAPE in the LRE Indicator.

[Note: Being in the bottom 10% on any FAPE in the LRE Indicator would place the LEA into Targeted Level 3, or potentially into Intensive monitoring.]

And/or...

- b) The LEA has unresolved corrective actions from compliance complaints or OAH cases, and at least one of the corrective actions is more than 6 months overdue.

### Activities

#### CIM Process Overview – LEA Tasks

Targeted Level 1	
Activity	LEA's Tasks
<b>Receipt of Annual Determination Letter</b> (Informational)	<ul style="list-style-type: none"> <li>Review the letter to determine the LEA's monitoring level and identify areas of focus for the LEA's CIM</li> </ul>
<b>Introductory Webinar</b> (Informational)	<ul style="list-style-type: none"> <li>Register for and attend the CIM Introductory Webinar for Targeted Level 1</li> </ul>
<b>Preparing for Technical Assistance and Trainings/Webinars</b> (Registration and information)	<ul style="list-style-type: none"> <li>View the mandatory trainings/webinars. The mandatory trainings for Targeted Level 1 include:               <ul style="list-style-type: none"> <li>Onboarding</li> <li>Data Drill Down</li> <li>Policies, Practices, and Procedures</li> <li>Root Cause Analysis</li> </ul> </li> </ul>

Targeted Level 1	
Activity	LEA's Tasks
	<ul style="list-style-type: none"> <li>○ Plan Development</li> <li>• Register for optional trainings as selected by the LEA. The optional trainings include:               <ul style="list-style-type: none"> <li>○ Assessment of Infrastructure</li> <li>○ Educational Benefit Review</li> <li>○ Parent Input*</li> <li>○ Prioritization</li> <li>○ Initiative Inventory</li> <li>○ Theory of Action</li> </ul> </li> </ul> <p><b>[*Note: Parent Input is a required activity if the LEA missed SPPI 8]</b></p> <p>If the Targeted 1 LEA is unable to attend a live event, the LEA can obtain a recording and complete the activity guides/exercises independently.</p>
<b>Team Creation</b>	<p>Team Creation is a required activity. The LEA will complete this activity at the <b>Required, independent level</b>:</p> <ul style="list-style-type: none"> <li>• Build the LEA's CIM Team that will analyze data, determine root causes, and develop the CIM Plan</li> </ul>
<b>Data Gathering</b> (Preparation)	<ul style="list-style-type: none"> <li>• In preparation for the Data Drill Down activity, begin gathering current, relevant data regarding the identified areas of focus for the LEA's CIM. This will include student-level and other local-level data in addition to applicable LEA and SELPA policies and procedures.</li> </ul>

Targeted Level 1	
Activity	LEA's Tasks
<b>Data Drill Down</b>	<p>Data Drill Down is a required activity. The LEA will complete activity at the <b>Required, independent level</b>:</p> <ul style="list-style-type: none"> <li>• Attend, or view a recording of, the Data Drill Down training</li> <li>• Complete the activity materials</li> <li>• Collect and review data in preparation for subsequent CIM activities</li> <li>• Enter a summary of the LEA's data analysis to the Data Drill Down section in the software</li> </ul>
<b>Assessment of Infrastructure</b>	<p>Assessment of Infrastructure is an <b>optional activity</b> with support available, as follows:</p> <ul style="list-style-type: none"> <li>• View a recording of the Assessment of Infrastructure training</li> <li>• Complete the Assessment of Infrastructure activity and retain relevant information for use in subsequent CIM activities</li> <li>• Complete the Assessment of Infrastructure summary in the software</li> </ul>
<b>Policies, Practices, and Procedures Review</b>	<p>Policies, Practices and Procedures Review is a required activity. The LEA will complete activity at the <b>Required, independent level</b>:</p> <ul style="list-style-type: none"> <li>• Attend or view a recording of, the Policies, Practices, and Procedures Review training</li> <li>• Complete the Policies, Practices and Procedures Review in the software</li> <li>• Review corrective actions associated with the findings and the due dates for the corrective actions</li> <li>• Complete the corrective actions and provide documentation of correction in the software</li> <li>• Receive and implement instructions on the process of the Prong II</li> </ul>



Targeted Level 1	
Activity	LEA's Tasks
	<p>reviews, if applicable</p> <p>[Note: The “Policies” and “Procedures” portions of the review refer to LEA- and SELPA-level written and adopted policies and procedures. The “Practices” portion of the review refers to student file reviews.]</p>
<b>Educational Benefit Review</b>	<p>Educational Benefit Review is an <b>optional activity</b> with optional support available, as follows:</p> <ul style="list-style-type: none"> <li>• View a recording of the Educational Benefit Review training</li> <li>• Complete the Educational Benefit Review and retain relevant information for use in subsequent CIM activities</li> <li>• Complete the Educational Benefit Review summary in the software</li> </ul>

Targeted Level 1	
Activity	LEA's Tasks
<b>Parent Input</b>	<p><b>Parent Input is a required activity if the LEA missed SPPI 8</b>, otherwise is optional. If required, LEA to complete activity at the <b>Required, independent level</b>, as follows:</p> <ul style="list-style-type: none"> <li>• Attend or view a recording of the Parent Input training</li> <li>• Complete the Parent Input activities and retain the relevant information for use in subsequent activities</li> <li>• Complete the Parent Input summary in the software</li> </ul>
<b>Root Cause Analysis</b>	<p>Root Cause Analysis is a required activity. The LEA will complete activity at the <b>Required, independent level</b>:</p> <ul style="list-style-type: none"> <li>• Attend, or view a recording of, the Root Cause Analysis training</li> <li>• Complete the Root Cause Analysis activity materials</li> <li>• Complete the Root Cause Analysis sections in the software</li> </ul> <p>[Note: The CIM Team uses information from the Data Drill Down, Policy, Practices, and Procedures Review, Educational Benefit Review, and if completing additional activities, to develop the Problem Statement. The Root Cause Analysis addresses the problem(s) identified in the Problem Statement.]</p>

Targeted Level 1	
Activity	LEA's Tasks
<b>Prioritization</b>	<p>Prioritization is an <b>optional activity</b> with optional support available, as follows:</p> <ul style="list-style-type: none"> <li>• View a recording of the Prioritization training</li> <li>• Complete the Prioritization activity materials and retain for subsequent activities</li> <li>• Complete the Prioritization summary in the software</li> </ul>
<b>Initiative Inventory</b>	<p>Initiative Inventory is an <b>optional activity</b> with optional support available, as follows:</p> <ul style="list-style-type: none"> <li>• View a recording of the Initiative Inventory training</li> <li>• Complete the Initiative Crosswalk Protocol</li> <li>• Complete the Initiative Inventory summary in the software</li> </ul>
<b>Theory of Action</b>	<p>Theory of Action is an <b>optional activity</b> with optional support available, as follows:</p> <ul style="list-style-type: none"> <li>• View a recording of the Theory of Action training</li> <li>• Complete the Theory of Action Tool activity materials</li> <li>• Complete the Theory of Action summary in the software</li> </ul>

Targeted Level 1	
Activity	LEA's Tasks
<b>CIM Plan</b>	<p>CIM Plan is a required activity. The LEA will conduct the activity at the <b>Required, independent level</b>:</p> <ul style="list-style-type: none"> <li>• Attend or view a recording of the CIM Plan Development training</li> <li>• Utilize the CIM Plan materials provided by CDE</li> <li>• Develop high leverage improvement activities and an implementation plan to address the prioritized root causes and activities</li> <li>• Input the CIM Plan into the software</li> <li>• Review the Plan with the SELPA director and obtain approval</li> <li>• Modify as necessary</li> </ul>
<b>CIM Plan Implementation and Monitoring</b>	<ul style="list-style-type: none"> <li>• Monitor CIM Plan implementation</li> <li>• Monitor the success/effectiveness of the CIM Plan</li> </ul> <p>[Details regarding the above are under development]</p>

**TA Provider/Consultant Tasks**

Targeted Level 1	
Activity	Tasks
<b>Receipt of Annual Determination Letter</b> (informational)	CDE <input type="checkbox"/> Answer questions from the Level 1 LEAs regarding the Annual Determination letter, and in particular how it applies to the CIM process. Refer data questions to the data unit.
<b>Introductory Webinar</b> (Informational)	CDE <input type="checkbox"/> Prepare the Webinar <input type="checkbox"/> Receive and answer questions from your Level 1 LEAs
<b>Preparing for Technical Assistance and Trainings/Webinars</b> (Registration and information)	TA Provider <input type="checkbox"/> Contact the LEA if registration for the mandatory activities is not verified
<b>Team Creation</b>	TA Provider <input type="checkbox"/> Receive and answer questions from the Level 1 LEAs regarding CIM Team formation and participation
<b>Data Gathering</b> (Preparation)	TA Provider <input type="checkbox"/> Provide technical assistance to the Level 1 LEAs as requested regarding areas of focus for the LEA's CIM Plan and the data sources pertinent to those areas

Targeted Level 1	
Activity	Tasks
<b>Data Drill Down</b>	TA Provider <ul style="list-style-type: none"> <li><input type="checkbox"/> Contact the LEA if participation is not verified</li> <li><input type="checkbox"/> Provide technical support</li> </ul>
<b>Assessment of Infrastructure</b>	CDE <ul style="list-style-type: none"> <li><input type="checkbox"/> Supply technical assistance resources to LEAs if requested</li> </ul>
<b>Policies, Practices, and Procedures Review</b>	TA Provider/CDE <ul style="list-style-type: none"> <li><input type="checkbox"/> Prior to the LEA's access to the software, review in the software the LEA's contact emails and check the reviewable Indicators/Elements</li> <li><input type="checkbox"/> Verify the LEA has participated in one or more of the training sessions</li> <li><input type="checkbox"/> Contact the LEA if participation is not verified</li> <li><input type="checkbox"/> Send instructions to the LEA for completing and submitting the Policies, Practices and Procedures Review</li> <li><input type="checkbox"/> Ensure the correct Indicators/Elements are identified in the software</li> <li><input type="checkbox"/> Complete the validation activity to ensure the LEA conducted the Policies, Practices and Procedures Review accurately</li> <li><input type="checkbox"/> Correct any inconsistencies by entering the findings into the software and contact the LEA to provide feedback about what was missed</li> <li><input type="checkbox"/> If corrective actions are necessary, ensure that the LEA is informed regarding the corrective actions</li> <li><input type="checkbox"/> Receive and evaluate the documentation needed to close each corrective action</li> <li><input type="checkbox"/> Once corrective actions from the initial review are complete, conduct a Prong II review of any student-level items that had findings of noncompliance</li> </ul>

Targeted Level 1	
Activity	Tasks
	<input type="checkbox"/> Ensure all findings are closed within one year by tracking each corrective action in the software
<b>Educational Benefit</b>	CDE <input type="checkbox"/> Supply technical assistance resources to LEAs if requested
<b>Parent Input</b>	Parent Input is a required activity if the LEA missed SPPI 8. If required, LEA to conduct activity at the <b>Required, independent level</b> : TA Provider <input type="checkbox"/> Contact the LEA if participation is not verified <input type="checkbox"/> Supply technical assistance resources to LEAs as applicable or as requested
<b>Root Cause Analysis</b>	TA Provider <input type="checkbox"/> Contact the LEA if participation is not verified <input type="checkbox"/> Supply technical assistance resources to LEAs as requested
<b>Prioritization</b>	CDE <input type="checkbox"/> Supply technical assistance resources to LEAs if requested
<b>Initiative Inventory</b>	CDE Supply technical assistance resources to LEAs if requested



Targeted Level 1	
Activity	Tasks
Theory of Action	CDE Supply technical assistance resources to LEAs if requested
CIM Plan	TA Provider <input type="checkbox"/> Supply technical assistance resources to LEAs as requested <input type="checkbox"/> Confirm review and approval by SELPA director <input type="checkbox"/> Provide necessary feedback
CIM Plan Implementation and Monitoring	<input type="checkbox"/> Monitor CIM Plan implementation and effectiveness  [Details regarding the above are under development]

## Targeted Level 2

### ***Selection***

- a) The LEA has 3 or more unmet performance targets but is not in the bottom 10% on any FAPE in the LRE Indicator.

[Note: Being in the bottom 10% on any Indicator/Element would place the LEA into Targeted Level 3, or potentially into Intensive monitoring.]

And/or...

- b) The LEA is in year one of Disproportionality.

### ***Activities***

#### **CIM Process Overview – LEA Tasks**

Targeted Level 2	
Activity	LEA's Tasks
<b>Receipt of Annual Determination Letter</b> (Informational)	<ul style="list-style-type: none"> <li>Review the letter to determine the LEA's monitoring level and identify areas of focus for the LEA's CIM</li> </ul>
<b>Introductory Webinar</b> (Informational)	<ul style="list-style-type: none"> <li>Register for and attend the CIM introductory Webinar for Targeted Level 2</li> </ul>

Targeted Level 2	
Activity	LEA's Tasks
<b>Preparing for Technical Assistance and Trainings/Webinars</b> (Registration and information)	<ul style="list-style-type: none"> <li>View and register for the mandatory trainings/webinars. The mandatory trainings for Targeted Level 2 include:               <ul style="list-style-type: none"> <li>Onboarding</li> <li>Data Drill Down</li> <li>Policies, Practices, and Procedures</li> <li>Root Cause Analysis</li> <li>Plan Development</li> </ul> </li> <li>Register for optional trainings as selected by the LEA. The optional trainings include:               <ul style="list-style-type: none"> <li>Assessment of Infrastructure</li> <li>Educational Benefit Review</li> <li>Parent Input*</li> <li>Prioritization</li> <li>Initiative Inventory</li> <li>Theory of Action</li> </ul> </li> </ul> <p><b>[*Note: Parent Input is a required activity if the LEA missed SPPI 8]</b></p> <p>Live attendance at trainings is preferred for Targeted Level 2 LEAs. If the Level 2 LEA is unable to attend the live event, it can obtain a recording and ask the TA provider for support in completing activity guides/exercises.</p>
<b>Team Creation</b>	<p>Team Creation is a required activity. The LEA will complete this activity at the <b>Required, independent level</b>:</p> <ul style="list-style-type: none"> <li>Build the LEA's CIM Team that will analyze data, determine root causes, and develop the CIM Plan</li> </ul>
<b>Data Gathering</b> (Preparation)	<ul style="list-style-type: none"> <li>In preparation for the Data Drill Down activity, begin gathering current, relevant data regarding the identified areas of focus for the LEA's CIM. This will include student-level and other local-level data in addition to applicable LEA and SELPA policies and procedures.</li> </ul>

Targeted Level 2	
Activity	LEA's Tasks
<b>Data Drill Down</b>	<p>Data Drill Down is a required activity. The LEA will conduct activity at the <b>Required, independent level</b>:</p> <ul style="list-style-type: none"> <li>• Attend, or view recording of, a Data Drill Down training</li> <li>• Complete the activity materials</li> <li>• Collect and review data in preparation for the Root Cause Analysis and additional CIM activities</li> <li>• Enter a summary of the LEA's data analysis to the Data Drill Down section in the software</li> </ul>
<b>Assessment of Infrastructure</b>	<p>Assessment of Infrastructure is an <b>optional activity</b> with support available, as follows:</p> <ul style="list-style-type: none"> <li>• View the Assessment of Infrastructure training</li> <li>• Complete the Assessment of Infrastructure activity materials and retain relevant information for use subsequent CIM activities</li> <li>• Complete the Assessment of Infrastructure summary in the software</li> </ul>
<b>Policies, Practices, and Procedures Review</b>	<p>Policies, Practices and Procedures Review is a required activity. The LEA will complete activity at the <b>Required, independent level</b>:</p> <ul style="list-style-type: none"> <li>• Attend, or view recording of, a Policies, Practices, and Procedures Review training</li> <li>• Complete the Policies, Practices and Procedures Review in the software</li> <li>• Review corrective actions associated with the findings, and the due dates for the corrective actions</li> <li>• Complete the corrective actions and provide documentation of correction in the software</li> <li>• Receive and implement instructions on the process of the Prong II reviews, if applicable</li> </ul>

Targeted Level 2	
Activity	LEA's Tasks
	[Note: The "Policies" and "Procedures" portions of the review refer to LEA- and SELPA-level written and adopted policies and procedures. The "Practices" portion of the review refers to student file reviews]
<b>Educational Benefit Review</b>	<p>Educational Benefit Review is an <b>optional activity</b> with optional support available, as follows:</p> <ul style="list-style-type: none"> <li>• View a recording of the Educational Benefit Review training</li> <li>• Complete the Educational Benefit Review and retain relevant information for use in subsequent CIM activities as appropriate</li> <li>• Complete the Education Benefit summary in the software</li> </ul>
<b>Parent Input</b>	<p><b>Parent Input is a required activity if the LEA missed SPPI 8</b>, otherwise is optional. If required, LEA to conduct activity at the <b>Required, independent level</b>, as follow:</p> <ul style="list-style-type: none"> <li>• Attend, or view recording of, the Parent Input training</li> <li>• Complete one or more Parent Input activities and retain the relevant information for use in subsequent activities</li> <li>• Complete the Parent Input summary in the software</li> </ul>
<b>Root Cause Analysis</b>	<p>Root Cause Analysis is a required activity. The LEA will conduct activity at the <b>Required, independent level</b>:</p> <ul style="list-style-type: none"> <li>• Attend, or view recording of the Root Cause Analysis training</li> <li>• Complete the Root Cause Analysis activity materials</li> <li>• Complete the Root Cause Analysis sections in the software</li> </ul> <p>[Note: The CIM Team uses information from the Data Drill Down, Policy, Practices, and Procedures Review, Educational Benefit Review, and if completing additional activities, to develop the Problem Statement. The Root Cause Analysis addresses the problem(s) identified in the Problem Statement]</p>

Targeted Level 2	
Activity	LEA's Tasks
<b>Prioritization</b>	<p>Prioritization is an <b>optional activity</b> with optional support available, as follows:</p> <ul style="list-style-type: none"> <li>• View a recording of the Prioritization training</li> <li>• Complete the Prioritization activity materials and retain for subsequent activities</li> <li>• Complete the Prioritization summary in the software</li> </ul>
<b>Initiative Inventory</b>	<p>Initiative Inventory is an <b>optional activity</b> with support available, as follows:</p> <ul style="list-style-type: none"> <li>• View a recording of the Initiative Inventory training presented by CDE or a TA provider</li> <li>• Complete the Initiative Crosswalk Protocol</li> <li>• Complete the Initiative Inventory summary in the software</li> </ul>
<b>Theory of Action</b>	<p>Theory of Action is an <b>optional activity</b> with support available, as follows:</p> <ul style="list-style-type: none"> <li>• View a recording of the Theory of Action training</li> <li>• Complete the Theory of Action Tool activity materials</li> <li>• Complete the Theory of Action summary in the software</li> </ul>

Targeted Level 2	
Activity	LEA's Tasks
<b>CIM Plan</b>	<p>CIM Plan is a required activity. The LEA will conduct the activity at the <b>Required, independent level:</b></p> <ul style="list-style-type: none"> <li>• Attend, or view recording of, the CIM Plan Development training</li> <li>• Utilize the CIM Plan materials provided by CDE</li> <li>• Develop high leverage improvement activities and an implementation plan to address the prioritized root causes and activities</li> <li>• Input the CIM Plan into the software</li> <li>• Review the Plan with your SELPA director and obtain their approval. Modify as necessary</li> </ul>
<b>CIM Plan Implementation and Monitoring</b>	<ul style="list-style-type: none"> <li>• Monitor CIM Plan implementation</li> <li>• Monitor the success/effectiveness of the CIM Plan</li> </ul> <p>[Details regarding the above are under development]</p>



**TA Provider/Consultant Tasks**

Targeted Level 2	
Activity	Tasks
<b>Receipt of Annual Determination Letter</b> (Informational)	CDE <ul style="list-style-type: none"> <li><input type="checkbox"/> Answer questions from the Level 2 LEAs regarding the Annual Determination letter, and in particular how it applies to the CIM process. Refer data questions to the data unit</li> </ul>
<b>Introductory Webinar</b> (Informational)	CDE <ul style="list-style-type: none"> <li><input type="checkbox"/> Prepare the Webinar</li> <li><input type="checkbox"/> Receive and answer questions from your Level 2 LEAs</li> </ul>
<b>Preparing for Technical Assistance and Trainings/Webinars</b> (Registration and information)	TA Provider <ul style="list-style-type: none"> <li><input type="checkbox"/> Verify that each LEA has registered with their assigned TA provider</li> <li><input type="checkbox"/> Contact the LEA if registration for the mandatory activities is not verified</li> </ul>
<b>Team Creation</b>	TA Provider <ul style="list-style-type: none"> <li><input type="checkbox"/> Receive and answer questions from the Level 2 LEAs regarding CIM Team formation and participation</li> </ul>
<b>Data Gathering</b> (Preparation)	TA Provider <ul style="list-style-type: none"> <li><input type="checkbox"/> Provide technical assistance to the Level 2 LEAs as requested regarding areas of focus for the LEA's CIM and the data sources pertinent to those areas</li> </ul>

Targeted Level 2	
Activity	Tasks
<b>Data Drill Down</b>	TA Provider <ul style="list-style-type: none"> <li><input type="checkbox"/> Contact the LEA if participation is not verified</li> <li><input type="checkbox"/> Provide technical support</li> </ul>
<b>Assessment of Infrastructure</b>	CDE <ul style="list-style-type: none"> <li><input type="checkbox"/> Supply technical assistance resources to LEAs if requested</li> </ul>
<b>Policies, Practices, and Procedures Review</b>	TA Provider/CDE <ul style="list-style-type: none"> <li><input type="checkbox"/> Prior to the LEA's access to the software, review in the software the LEA's contact emails and check the reviewable Indicators/Elements</li> <li><input type="checkbox"/> Verify the LEA has participated in one or more of the training sessions</li> <li><input type="checkbox"/> Contact the LEA if participation is not verified</li> <li><input type="checkbox"/> Send instructions to the LEA for completing and submitting the Policies, Practices and Procedures Review</li> <li><input type="checkbox"/> Ensure the correct Indicators/Elements are identified in the software</li> <li><input type="checkbox"/> Complete the validation activity to ensure the LEA conducted the Policies, Practices and Procedures Review accurately</li> <li><input type="checkbox"/> Correct any inconsistencies by entering the findings into the software and contact the LEA to provide feedback about what was missed</li> <li><input type="checkbox"/> If corrective actions are necessary, ensure that the LEA is informed regarding the corrective actions</li> <li><input type="checkbox"/> Receive and evaluate the documentation needed to close each corrective action</li> <li><input type="checkbox"/> Once corrective actions from the initial review are complete, conduct a Prong II review of any student-level items that had findings of noncompliance</li> </ul>

Targeted Level 2	
Activity	Tasks
	<input type="checkbox"/> Ensure all findings are closed within one year by tracking each corrective action in the software. Ensure all findings are closed within one year by tracking each corrective action in the software <input type="checkbox"/> As appropriate, provide feedback to LEAs/SELPAs regarding findings and/or trends seen by the consultant when performing the consultant's portion of the student file and policies and procedures review
<b>Educational Benefit</b>	CDE <input type="checkbox"/> Supply technical assistance resources to LEAs if requested
<b>Parent Input</b>	Parent Input is a required activity if the LEA missed SPPI 8. If required, LEA to conduct activity at the Required, independent level: TA Provider <input type="checkbox"/> Contact the LEA if participation is not verified <input type="checkbox"/> Supply technical assistance resources to LEAs as applicable or as requested
<b>Root Cause Analysis</b>	TA Provider <input type="checkbox"/> Contact the LEA if participation is not verified <input type="checkbox"/> Provide technical support <input type="checkbox"/> Supply technical assistance resources to LEAs as requested
<b>Prioritization</b>	TA Provider <input type="checkbox"/> Supply technical assistance resources to LEAs as requested

Targeted Level 2	
Activity	Tasks
<b>Initiative Inventory</b>	CDE <input type="checkbox"/> Supply technical assistance resources to LEAs if requested
<b>Theory of Action</b>	CDE <input type="checkbox"/> Supply technical assistance resources to LEAs if requested
<b>CIM Plan</b>	TA Provider/CDE <input type="checkbox"/> Provide technical assistance <input type="checkbox"/> Supply additional technical assistance resources to LEAs as requested <input type="checkbox"/> Confirm review and approval by the SELPA director <input type="checkbox"/> Provide necessary feedback
<b>CIM Plan Implementation and Monitoring</b>	<input type="checkbox"/> Monitor CIM Plan implementation and effectiveness  [Details regarding the above are under development.]

## Targeted Level 3

### Selection

- a) The LEA is in the bottom 11-20% on FAPE in the LRE performance indicator risk rating used to determine selection for Intensive Monitoring.

And/or...

- b) The LEA is in the bottom 10% on any FAPE in the LRE indicator (and not selected for Intensive Monitoring).

And/or...

- c) The LEA is year two of Disproportionality.

### Activities

#### CIM Process Overview – LEA Tasks

Targeted Level 3	
Activity	LEA's Tasks
<b>Receipt of Annual Determination Letter</b> (Informational)	<ul style="list-style-type: none"> <li>Review the letter to determine the LEA's monitoring level and identify areas of focus for the LEA's CIM</li> </ul>
<b>Introductory Webinar</b> (Informational)	<ul style="list-style-type: none"> <li>Register for and attend the CIM Introductory Webinar for Targeted Level 3</li> </ul> <p>[Note: The LEA, SELPA, and TA provider all must attend the webinar.]</p>

Targeted Level 3	
Activity	LEA's Tasks
<b>Preparing for Technical Assistance and Training/Webinars</b> (Registration and information)	<ul style="list-style-type: none"> <li>• View and register for the mandatory trainings/webinars. The mandatory trainings for Targeted Level 3 include:               <ul style="list-style-type: none"> <li>○ Onboarding</li> <li>○ Team Creation</li> <li>○ Data Drill Down</li> <li>○ Policies, Practices, and Procedures</li> <li>○ Educational Benefit</li> <li>○ Parent Input</li> <li>○ Root Cause Analysis</li> <li>○ Prioritization</li> <li>○ Plan Development</li> </ul> </li> <li>• Register for optional trainings as selected by the LEA. The optional trainings include:               <ul style="list-style-type: none"> <li>○ Assessment of Infrastructure</li> <li>○ Initiative Inventory</li> <li>○ Theory of Action</li> </ul> </li> </ul>
<b>Team Creation</b>	<p>Team Creation is a required activity. The LEA will complete this activity at the <b>Required, assisted level</b>.</p> <ul style="list-style-type: none"> <li>• Attend a Team Creation training</li> <li>• Build the LEA's CIM Team that will analyze data, determine root causes, and develop the CIM Plan</li> </ul>

Targeted Level 3	
Activity	LEA's Tasks
<b>Data Gathering</b> (Preparation)	<ul style="list-style-type: none"> <li>• In preparation for the Data Drill Down activity, begin gathering current, relevant data regarding the identified areas of focus for the LEA's CIM. This will include student-level and other local-level data in addition to applicable LEA and SELPA policies and procedures. The CDE may provide a list of policy, practice, and procedure areas to be covered.</li> </ul>
<b>Data Drill Down</b>	<p>Data Drill Down is a required activity. The LEA will complete this activity at the <b>Required, assisted level</b>:</p> <ul style="list-style-type: none"> <li>• Attend a Data Drill Down training</li> <li>• Complete the activity materials with assistance</li> <li>• Collect and review data in preparation for the Root Cause Analysis (including problem statement development) and additional CIM activities</li> <li>• Enter a summary of the LEA's data analysis to the Data Drill Down section in the software</li> </ul>



Targeted Level 3	
Activity	LEA's Tasks
<b>Assessment of Infrastructure</b>	<p>Assessment of Infrastructure is an <b>optional activity</b> with support available, as follows:</p> <ul style="list-style-type: none"> <li>• View the Assessment of Infrastructure training</li> <li>• Complete the Assessment of Infrastructure activity materials and retain relevant information for use in the Data Drill Down and subsequent CIM activities</li> <li>• Complete the Assessment of Infrastructure summary in the software</li> </ul>

Targeted Level 3	
Activity	LEA's Tasks
<b>Policies, Practices, and Procedures Review</b>	<p>Policies, Practices and Procedures Review is a required activity. The LEA will complete activity at the <b>Required, independent level</b>:</p> <ul style="list-style-type: none"> <li>• Attend, or view recording of, a Policies, Practices, and Procedures Review training</li> <li>• Complete the Policies, Practices and Procedures Review in the software</li> <li>• Review corrective actions associated with the findings, and the due dates for the corrective actions</li> <li>• Complete the corrective actions and provide documentation of correction in the software</li> <li>• Receive and implement instructions on the process of the Prong II reviews, if applicable</li> </ul> <p>[Note: The “Policies” and “Procedures” portions of the review refer to LEA- and SELPA-level written and adopted policies and procedures. The “Practices” portion of the review refers to student file reviews.]</p>

Targeted Level 3	
Activity	LEA's Tasks
<b>Educational Benefit Review</b>	<p>Educational Benefit Review is an <b>optional activity</b> with optional support available, as follows:</p> <ul style="list-style-type: none"> <li>• View recording of the Educational Benefit Review training</li> <li>• Complete the Educational Benefit Review and retain relevant information for use in subsequent CIM activities as appropriate</li> <li>• Complete the Education Benefit summary in the software</li> </ul>
<b>Parent Input</b>	<p>Parent Input is a required activity. The LEA will complete this activity at the <b>Required, independent level</b>:</p> <ul style="list-style-type: none"> <li>• Attend, or view recording of, the Parent Input training</li> <li>• Complete one or more Parent Input activities and retain the relevant information for use in subsequent activities</li> <li>• Complete the Parent Input summary in the software</li> </ul>
<b>Root Cause Analysis</b>	<p>Root Cause Analysis is a required activity. The LEA will complete this activity at the <b>Required, assisted level</b>:</p> <ul style="list-style-type: none"> <li>• Attend the Root Cause Analysis training</li> <li>• Complete the Root Cause Analysis activity materials</li> <li>• Complete the Root Cause Analysis sections in the software</li> </ul> <p>[Note: The CIM Team uses information from the Data Drill Down, Policy, Practices, and Procedures Review, Educational Benefit Review, and if completing additional activities, to develop the Problem Statement. The Root Cause Analysis addresses the problem(s) identified in the Problem Statement.]</p>

Targeted Level 3	
Activity	LEA's Tasks
<b>Prioritization</b>	<p>Prioritization is a required activity. The LEA will complete this activity at the <b>Required, independent level</b>:</p> <ul style="list-style-type: none"> <li>• Attend, or view recording of, the Prioritization training</li> <li>• Complete the Prioritization activity materials and retain for subsequent activities</li> <li>• Complete the Prioritization summary in the software</li> </ul>
<b>Initiative Inventory</b>	<p>Initiative Inventory is an <b>optional activity</b> with support available, as follows:</p> <ul style="list-style-type: none"> <li>• View the Initiative Inventory training</li> <li>• Complete the Initiative Crosswalk Protocol</li> <li>• Complete the Initiative Inventory summary in the software</li> </ul>
<b>Theory of Action</b>	<p>Theory of Action is an <b>optional activity</b> with support available, as follows:</p> <ul style="list-style-type: none"> <li>• View in the Theory of Action training</li> <li>• Complete the Theory of Action activity materials</li> <li>• Complete the Theory of Action summary in the software</li> </ul>

Targeted Level 3	
Activity	LEA's Tasks
<b>CIM Plan</b>	<p>CIM Plan is a required activity. The LEA will conduct the activity at the <b>Required, assisted level</b>:</p> <ul style="list-style-type: none"> <li>• Attend the CIM Plan Development training</li> <li>• Utilize the CIM Plan materials provided by CDE</li> <li>• Develop high leverage improvement activities and an implementation plan to address the prioritized root causes and activities</li> <li>• Input the CIM Plan into the software</li> <li>• Review the Plan with your SELPA director and CDE Consultant and obtain their approval</li> <li>• Modify as necessary</li> </ul>

Targeted Level 3	
Activity	LEA's Tasks
<b>CIM Plan Implementation and Monitoring</b>	<ul style="list-style-type: none"> <li>• Monitor CIM Plan implementation.</li> <li>• Monitor the success/effectiveness of the CIM Plan.</li> </ul> <p>[Details regarding the above are under development.]</p>

**TA Provider/Consultant Tasks**

Targeted Level 3	
Activity	Tasks
<b>Receipt of Annual Determination Letter</b> (Informational)	CDE <input type="checkbox"/> Answer questions from the Level 3 LEAs regarding the Annual Determination letter, and in particular how it applies to the CIM process. Refer data questions to the data unit.
<b>Introductory Webinar</b> (Informational)	CDE <input type="checkbox"/> Prepare Webinar <input type="checkbox"/> Receive and answer questions from the Level 3 LEAs
<b>Preparing for Technical Assistance and Trainings/Webinars</b> (Registration and information)	CDE <input type="checkbox"/> Verify that each LEA has registered with their assigned TA provider <input type="checkbox"/> Contact the LEA if registration for the mandatory activities is not verified
<b>Team Creation</b>	TA Provider <input type="checkbox"/> Receive and answer questions from the Level 3 LEAs regarding CIM Team formation and participation
<b>Data Gathering</b> (Preparation)	TA Provider <input type="checkbox"/> Provide technical assistance to the Level 3 LEAs as requested regarding areas of focus for the LEA's CIM and the data sources pertinent to those areas
<b>Data Drill Down</b>	TA Provider <input type="checkbox"/> Ensure the LEA can access the Improvement Data Center <input type="checkbox"/> Verify that each of assigned LEAs are participating with TA support <input type="checkbox"/> Work with the LEA to analyze data and arrive at justifiable conclusions]

Targeted Level 3	
Activity	Tasks
	<input type="checkbox"/> Review the LEA's submitted summary of the data analysis in the software
<b>Assessment of Infrastructure</b>	CDE <input type="checkbox"/> Supply technical assistance resources to LEAs if requested.
<b>Policies, Practices, and Procedures Review</b>	TA Provider/CDE <input type="checkbox"/> Prior to the LEA's access to the software, review in the software the LEA's contact emails and check the reviewable Indicators/Elements. <input type="checkbox"/> Verify the LEA has participated in one or more of the training sessions. <input type="checkbox"/> Contact the LEA if participation is not verified. <input checked="" type="checkbox"/> Send instructions to the LEA for completing and submitting the Policies, Practices and Procedures Review. <input type="checkbox"/> Ensure the correct Indicators/Elements are identified in the software. <input checked="" type="checkbox"/> Complete the validation activity to ensure the LEA conducted the Policies, Practices and Procedures Review accurately. <input type="checkbox"/> Correct any inconsistencies by entering the findings into the software and contact the LEA to provide feedback about what was missed. <input type="checkbox"/> If corrective actions are necessary, ensure that the LEA is informed regarding the corrective actions. <input type="checkbox"/> Receive and evaluate the documentation needed to close each corrective action.



Targeted Level 3	
Activity	Tasks
	<input type="checkbox"/> Once corrective actions from the initial review are complete, conduct a Prong II review of any student-level items that had findings of noncompliance <input type="checkbox"/> Ensure all findings are closed within one year by tracking each corrective action in the software. Ensure all findings are closed within one year by tracking each corrective action in the software <input type="checkbox"/> As appropriate, provide feedback to LEAs/SELPAs regarding findings and/or trends seen by the consultant when performing the consultant's portion of the student file and policies and procedures review
<b>Educational Benefit</b>	CDE <input type="checkbox"/> Supply technical assistance resources to LEAs if requested
<b>Parent Input</b>	TA Provider <input type="checkbox"/> Contact the LEA if participation is not verified <input type="checkbox"/> Supply technical assistance resources to LEAs <input type="checkbox"/> Review the LEA's summary of findings in the software
<b>Root Cause Analysis</b>	TA Provider <input type="checkbox"/> Provide support on completing the forms/materials <input type="checkbox"/> Schedule meetings with LEA teams to conduct the Root Cause Analysis <input type="checkbox"/> Work with LEA teams to analyze outcomes <input type="checkbox"/> Review the LEA's submitted Root Cause Analysis information in the software

Targeted Level 3	
Activity	Tasks
<b>Prioritization</b>	TA Provider <input type="checkbox"/> Supply technical assistance resources to LEAs <input type="checkbox"/> Review the LEA's submitted Prioritization summary in the software
<b>Initiative Inventory</b>	CDE <input type="checkbox"/> Supply technical assistance resources to LEAs if requested.
<b>Theory of Action</b>	CDE <input type="checkbox"/> Supply technical assistance resources to LEAs if requested.
<b>CIM Plan</b>	TA Provider/CDE <input type="checkbox"/> Schedule meetings with LEA teams to develop the plan <input type="checkbox"/> Work with LEA teams to analyze outcomes <input type="checkbox"/> Confirm review and approval by the SELPA director <input type="checkbox"/> Review the LEA's submitted CIM Plan in the software <input type="checkbox"/> Provide feedback and require revision as necessary

Targeted Level 3	
Activity	Tasks
<b>CIM Plan Implementation and Monitoring</b>	<input type="checkbox"/> Monitor CIM Plan implementation and effectiveness.  [Details regarding the above are under development.]

## Intensive Tier Activity Summary Chart

	MONITORING TIER	INTENSIVE		
	DIFFERENTIATED MONITORING LEVEL	Intensive Level 1	Intensive Level 2	Intensive Level 3
	ANNUAL DETERMINATION	Needs Intervention	Needs Intervention	Needs Intervention
	CIM PROCESS PARTICIPATION AND ENGAGEMENT LEVEL	Required Assisted	Required Directed	Required Directed
CIM PROCESS STEPS > ACTIVITIES	<b>STEP 1: Gather and Inquire</b>			
	Team Creation	Required Assisted	Required Directed	Required Directed
	Data Drill Down	Required Assisted	Required Directed	Required Directed
	Assessment of Infrastructure	Required Assisted	Required Directed	Required Directed
	Policies, Practices, Procedures Review	Required Directed	Required Directed	Required Directed
	Educational Benefit Review	Required Independent	Required Assisted	Required Directed
	Parent Input	Required Independent	Required Directed	Required Directed
	<b>STEP 2: Investigate</b>			
	Root Cause Analysis	Required Assisted	Required Directed	Required Directed
	Prioritization	Required Assisted	Required Directed	Required Directed
	Initiative Inventory	Required Independent	Required Assisted	Required Directed
	Theory of Action/Improvement Framework	Required Independent	Required Assisted	Required Directed
	<b>STEP 3: Planning</b>			
	Plan	Required Directed	Required Directed	Required Directed
	Approval	CDE	CDE	CDE
	<b>Step 4: Monitoring Implementation Plan</b>	CDE	CDE	CDE

## Intensive Level 1

### Selection

- a) In the bottom 8-10% of LEAs on FAPE in the LRE performance indicator risk rating (selection for Intensive school-age and/or preschool)

And/or...

- b) Overdue Corrective Actions more than 1 year

And/or...

- c) First year identified for significant disproportionality

### Activities

#### CIM Process Overview – LEA Tasks and TA Provider's Role

Intensive Level 1		
Activity	LEA's Tasks	TA Provider's Role
<b>Receipt of Annual Determination Letter</b> (Informational)	<ul style="list-style-type: none"> <li>Review the letter to determine the LEA's monitoring level and identify areas of focus for the LEA's CIM.</li> </ul>	N/A
<b>Introductory Webinar</b>	<ul style="list-style-type: none"> <li>Schedule introductory Zoom meeting with CDE consultant</li> </ul>	<input type="checkbox"/> Schedule initial introductory zoom meeting to review process and answer any questions
<b>CIM Process Preparation</b> (Preparation)	<ul style="list-style-type: none"> <li>Gather current, relevant data</li> <li>Gather Policies, Practices, and Procedures</li> </ul>	<input type="checkbox"/> Verify that LEA has registered on SEEDS website and knows how to request access

Intensive Level 1		
Activity	LEA's Tasks	TA Provider's Role
	<ul style="list-style-type: none"> <li>Create primary user account on Seeds website by filling out the <i>Request for Access Form</i></li> </ul>	<input type="checkbox"/> Ensure that LEA sends necessary documents to the CDE for their policy review
<b>Team Creation</b>	<p>Team Creation is a required activity. The LEA will complete this activity at the <b>Required, assisted level</b>:</p> <ul style="list-style-type: none"> <li>Build CIM team that will analyze data, determine root causes, and develop CIM plan</li> </ul>	<input type="checkbox"/> Clarify which LEA staff should constitute the CIM team
<b>Data Drill Down</b>	<p>Data Drill Down is a required activity. The LEA will complete this activity at the <b>Required, assisted level</b>:</p> <ul style="list-style-type: none"> <li>Attend a data training from your TA provider</li> <li>Review the materials and videos Disproportionate LEAs must review disproportionality data of the area for which they are identified for disproportionality. Other data resources may be provided to support this effort, including qualitative data</li> <li>Complete the Data Drill Down Protocol with your TA Provider</li> <li>Complete the Historical Data Protocol with your TA provider</li> <li>Collect and review data in preparation for CIM Step 2</li> </ul>	<input type="checkbox"/> Make sure CIM team can access the Improvement Data Center <input type="checkbox"/> Provide TA to CIM team to analyze data and arrive at justifiable conclusions

Intensive Level 1		
Activity	LEA's Tasks	TA Provider's Role
	activities. Submit a summary of the data analysis to the CIM tool in the software	
<b>Assessment of Infrastructure</b>	<p>Assessment of Infrastructure is a required activity. The LEA will complete this activity at the <b>Required, assisted level</b>:</p> <ul style="list-style-type: none"> <li>• Review the recorded trainings for the Infrastructure training activities presented by TA Provider</li> <li>• Complete Infrastructure Analysis Tool Online version:</li> <li>• Complete the Infrastructure Analysis protocol</li> <li>• Work with TA provider to review and record a summary of findings</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Direct LEA to Infrastructure Analysis Tool</li> <li><input type="checkbox"/> Conduct a training on the tool with LEAs</li> <li><input type="checkbox"/> Work with LEA team to analyze outcomes</li> </ul>
<b>Policies, Practices, and Procedures</b>	<p>Policies, Practices and Procedures Review is a required activity. The LEA will complete activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>• Review Policies, Practices, and Procedures to determine if there are any needs or gaps</li> <li>• Provide CDE access to policy documents</li> <li>• Fill out Policy and Procedure Review form to identify where related policies exist</li> <li>• Review findings with CDE</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Ensure LEA provides all necessary files to the CDE consultant</li> <li><input type="checkbox"/> Review findings with LEA team and the CDE consultant.</li> </ul>

Intensive Level 1		
Activity	LEA's Tasks	TA Provider's Role
<b>Educational Benefit Review</b>	<p>Educational Benefit Review (EBR) is a required activity. The LEA will complete this activity at the <b>Required, independent level</b>:</p> <p>[Note: LEA will send any EBR questions to CDE consultants]</p> <ul style="list-style-type: none"> <li>• Create team that will conduct EBR (<i>experienced</i> Special Education staff, administrators, school psychologists, etc.)</li> <li>• Watch EBR videos (Intro &amp; How-to)</li> <li>• Conduct EBR</li> <li>• Provide evidence for any students the team needed to skip</li> <li>• Complete EBR documents</li> <li>• Provide the CDE consultant with access to the reviewed student files for spot checks of the EBR process</li> <li>• Complete Corrective Actions that result from EBR findings</li> <li>• Have the CIM team consider EBR trainings as a part of the CIM plan, based on EBR findings</li> </ul>	<p>N/A</p>



Intensive Level 1		
Activity	LEA's Tasks	TA Provider's Role
<b>Parent Input</b>	<p>Parent Input is a required activity. The LEA will complete this activity at the <b>Required, independent level</b>:</p> <ul style="list-style-type: none"> <li>• Solicit information from parents of students with disabilities</li> <li>• Access account on Seeds website to:               <ul style="list-style-type: none"> <li>○ review LEA information</li> <li>○ access reports</li> <li>○ provide Community Advisory Committee and Family Engagement contact information</li> <li>○ Complete a brief LEA family engagement survey (1 per LEA)</li> </ul> </li> <li>• Watch Seeds Videos:               <ul style="list-style-type: none"> <li>○ CDE SED Monitoring Parent Input Information System Overview</li> <li>○ CDE SED Monitoring Parent Input Information System– Parent Input-Getting Started</li> </ul> </li> <li>• Distribute CDE Special Education Parent Survey</li> <li>• Determine if additional sources of parent input will be considered (e.g. empathy interviews, focus groups, additional surveys, etc.)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Direct LEA teams to Seeds website and clarify expectations</li> <li><input type="checkbox"/> Support LEA if they are struggling</li> <li><input type="checkbox"/> Review all findings from all parent input sources with LEA team to analyze data and draw conclusions</li> </ul>

Intensive Level 1		
Activity	LEA's Tasks	TA Provider's Role
	<ul style="list-style-type: none"> <li>Review reports with CDE to review and record findings in the software</li> </ul>	
<b>Root Cause Analysis</b>	<p>Root Cause Analysis (RCA) is a required activity. The LEA will complete this activity at the <b>Required, assisted level</b>:</p> <ul style="list-style-type: none"> <li>Attend the training sessions</li> <li>Complete the RCA Tool with your TA provider</li> <li>Complete the Fishbone Tool with your TA provider</li> <li>Complete the Summary Tool with your TA provider</li> <li>Input a summary of findings in the software</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Conduct a training on the tool with LEAs</li> <li><input type="checkbox"/> Schedule meetings with LEA teams to conduct the Root Cause Analysis</li> <li><input type="checkbox"/> Work with LEA team to analyze outcomes</li> </ul>
<b>Prioritization</b>	<p>Prioritization is a required activity. The LEA will complete this activity at the <b>Required, assisted level</b>:</p> <ul style="list-style-type: none"> <li>Attend the training sessions</li> <li>Conduct the prioritization activity with your TA provider</li> <li>Input a summary of the outcome into the software</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Conduct a training on the tool with LEAs</li> <li><input type="checkbox"/> Schedule meetings with LEA teams to conduct the Prioritization Activity</li> <li><input type="checkbox"/> Work with LEA team to analyze outcomes</li> </ul>

<b>Intensive Level 1</b>		
<b>Activity</b>	<b>LEA's Tasks</b>	<b>TA Provider's Role</b>
<b>Initiative Inventory</b>	<p>Initiative Inventory is a required activity. The LEA will complete this activity at the <b>Required, independent level</b>:</p> <ul style="list-style-type: none"> <li>• Review the recorded training sessions</li> <li>• Complete the Initiative Crosswalk Protocol</li> <li>• Submit of summary of the Initiative Inventory into the software</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Provide recorded training on the tool with LEAs</li> <li><input type="checkbox"/> Schedule meetings with LEA teams to conduct the Initiative Inventory Activity</li> <li><input type="checkbox"/> Work with LEA team to analyze outcomes</li> </ul>
<b>Theory of Action</b>	<p>Theory of Action is a required activity. The LEA will complete this activity at the <b>Required, independent level</b>:</p> <ul style="list-style-type: none"> <li>• Review the recorded training sessions</li> <li>• Complete the Theory of Action</li> <li>• Submit the theory of action into the software</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Provide recorded training on the tool with LEAs</li> <li><input type="checkbox"/> Schedule meetings with LEA teams to develop a Theory of Action</li> <li><input type="checkbox"/> Work with LEA team to analyze outcomes</li> </ul>
<b>Plan</b>	<p>CIM Plan is a required activity. The LEA will complete this activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>• Attend training sessions</li> <li>• Review the High Leverage Practices Document for each of the necessary elements</li> <li>• Complete the improvement planning tool with your CDE consultant</li> <li>• Develop a final plan of action with your CDE consultant</li> <li>• Input the plan into the software</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Conduct a training on Plan development with LEAs</li> <li><input type="checkbox"/> Schedule meetings with LEA teams to develop the plan</li> <li><input type="checkbox"/> Work with LEA team to analyze outcomes</li> </ul>

Intensive Level 1		
Activity	LEA's Tasks	TA Provider's Role
<b>CIM Plan Implementation and Monitoring</b>	<ul style="list-style-type: none"> <li>• Monitor CIM Plan implementation.</li> <li>• Monitor the success/effectiveness of the CIM Plan.</li> </ul> <p>[Details regarding the above are under development.]</p>	

**Consultant Tasks**

<b>Intensive Level 1</b>	
<b>Activity</b>	<b>CDE Consultant's Role</b>
<b>CIM Process Preparation</b>	<input type="checkbox"/> Provide Data Source document <input type="checkbox"/> Provide Policies, Practices, and Procedures document <input type="checkbox"/> Assist TA Provider in verifying LEAs SEEDS website registration <input type="checkbox"/> Connect LEA to their TA provider if necessary
<b>Team Creation</b>	<input type="checkbox"/> Clarify which LEA staff should constitute the LEA team
<b>Data Drill Down</b>	<input type="checkbox"/> Verify which of your assigned LEAs have participated <input type="checkbox"/> Contact the LEA and its SELPA if participation is not verified <input type="checkbox"/> Supply resources to LEAs regarding data access, interpretation, and analysis <input type="checkbox"/> Review summary of findings in the software
<b>Assessment of Infrastructure</b>	<input type="checkbox"/> Verify which of your assigned LEAs have participated <input type="checkbox"/> Contact the LEA and its SELPA if participation is not verified <input checked="" type="checkbox"/> Supply resources to LEAs regarding data access, interpretation, and analysis <input type="checkbox"/> Review summary of findings in the software
<b>Policies, Practices, and Procedures</b>	<input type="checkbox"/> Ensure LEA teams know which policies need to be located <input type="checkbox"/> Prior to the LEA's access to the software, review in the software the LEA's contact emails, check the reviewable Indicators <input type="checkbox"/> Receive and review each LEA's student list <input type="checkbox"/> Construct and send an initial student list to the LEA; ask for verification of enrollment, etc. <input type="checkbox"/> Ensure the names on the final list are entered into the software. Select students in accordance with the sampling methodology

Intensive Level 1	
Activity	CDE Consultant's Role
	<ul style="list-style-type: none"> <li><input type="checkbox"/> Ensure the correct elements for review are selected based on the indicators needed for review</li> <li><input type="checkbox"/> Review the LEA's student files and other necessary documentation</li> <li><input type="checkbox"/> Enter any findings into the software</li> <li><input type="checkbox"/> Ensure that the LEA has access to the corrective actions</li> <li><input type="checkbox"/> If Corrective Actions are necessary, monitor the correction and the necessary evidence needed to close the finding</li> <li><input type="checkbox"/> Ensure all findings are closed within one year</li> <li><input type="checkbox"/> Once corrective actions are complete, conduct a Prong II analysis with the LEA</li> </ul>
<b>Educational Benefit Review</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Provide access to EBR materials: Intro &amp; How-to videos, documents, drop-box info, etc.</li> <li><input type="checkbox"/> Provide LEA with a list of student names for EBR</li> <li><input type="checkbox"/> Provide support and guidance to LEA as they go through the EBR process, respond to any questions (cc: TA Provider)</li> <li><input type="checkbox"/> Review EBR documentation when submitted</li> <li><input type="checkbox"/> Review student files against EBR documents to verify the team's work</li> <li><input type="checkbox"/> Participate in EBR consultant review training to norm the process and provide consistency in findings</li> <li><input type="checkbox"/> Enter EBR findings into the software</li> <li><input type="checkbox"/> Assign the LEA Corrective Actions</li> <li><input type="checkbox"/> Review Corrective Actions and facilitate any future Prong II</li> </ul>
<b>Parent Input</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Verify LEA registration on SEEDS website via report from SEEDS. Share with TA provider, as appropriate</li> <li><input type="checkbox"/> Monitor response rate from weekly reports from SEEDS. Share with TA provider, as appropriate</li> <li><input type="checkbox"/> Review Summary of Findings in the software</li> </ul>

Intensive Level 1	
Activity	CDE Consultant's Role
<b>Root Cause Analysis</b>	<input type="checkbox"/> Verify that each of your assigned LEAs have necessary materials and have participated <input type="checkbox"/> Supply resources to LEAs regarding data access, interpretation, and analysis <input type="checkbox"/> Review submitted summary of the data analysis in the software
<b>Prioritization</b>	<input type="checkbox"/> Verify that each of your assigned LEAs have necessary materials and have participated <input type="checkbox"/> Supply resources to LEAs <input type="checkbox"/> Review submitted summary in the software
<b>Initiative Inventory</b>	<input type="checkbox"/> Verify which of your assigned LEAs have participated <input type="checkbox"/> Supply resources to LEAs <input type="checkbox"/> Review submitted summary in the software
<b>Theory of Action</b>	<input type="checkbox"/> Verify which of your assigned LEAs have participated <input type="checkbox"/> Supply resources to LEAs <input type="checkbox"/> Review submitted summary in the software
<b>Plan</b>	<input checked="" type="checkbox"/> Verify that each of your assigned LEAs have necessary materials <input type="checkbox"/> Supply resources to LEAs <input type="checkbox"/> Review submission in the software <input checked="" type="checkbox"/> Provide necessary Feedback

## Intensive Level 2

### Selection

- a) In the bottom 4-7.99% of LEAs on FAPE in the LRE performance indicator risk rating (selection for Intensive school-age and/or preschool)

And/or...

- b) Second year identified for significant disproportionality

### Activities

#### CIM Process Overview – LEA Tasks and TA Provider's Role

Intensive Level 2		
Activity	LEA's Tasks	TA Provider's Role
<b>Receipt of Annual Determination Letter</b> (Informational)	<ul style="list-style-type: none"> <li>Review the letter to determine the LEA's monitoring level and identify areas of focus for the LEA's CIM</li> </ul>	<input type="checkbox"/> N/A
<b>Introductory Webinar</b>	<ul style="list-style-type: none"> <li>Schedule introductory Zoom meeting with CDE consultant</li> </ul>	<input type="checkbox"/> Schedule initial introductory zoom meeting to review process and answer any questions
<b>CIM Process Preparation</b>	<ul style="list-style-type: none"> <li>Gather current, relevant data</li> <li>Gather Policies, Practices, and Procedures</li> <li>Create primary user account on Seeds website by filling out the <i>Request for Access Form</i></li> </ul>	<input type="checkbox"/> Verify that LEA has registered on Seeds website and knows how to request access (with help of CDE consultant) <input type="checkbox"/> Ensure that LEA sends necessary documents to the CDE for their policy review



Intensive Level 2		
Activity	LEA's Tasks	TA Provider's Role
<b>Team Creation</b>	<p>Team Creation is a required activity. The LEA will complete this activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>• Build CIM team that will analyze data, determine root causes, and develop CIM plan</li> </ul>	<input type="checkbox"/> Clarify which LEA staff should constitute the CIM Team
<b>Data Drill Down</b>	<p>Data Drill Down is a required activity. The LEA will complete this activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>• Review current data</li> <li>• Determine trends</li> <li>• Identify concerns</li> <li>• Work with the CDE to review and record a summary of findings in the software</li> </ul>	<input type="checkbox"/> Make sure LEA team can access the Improvement Data Center <input type="checkbox"/> Provide TA to CIM team to analyze data and arrive at justifiable conclusions
<b>Assessment of Infrastructure</b>	<p>Assessment of Infrastructure is a required activity. The LEA will complete this activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>• Review current infrastructure to identify LEA needs</li> <li>• Complete Infrastructure Analysis Tool</li> <li>• Complete the Infrastructure Analysis protocol</li> <li>• Work with CDE to review and record findings</li> </ul>	<input type="checkbox"/> Direct LEA to Infrastructure Analysis Tool <input type="checkbox"/> Conduct a training on the tool with LEAs <input type="checkbox"/> Work with LEA team to analyze outcomes
<b>Policies, Practices, and Procedures</b>	<p>Policies, Practices and Procedures Review is a required activity. The LEA will</p>	<input type="checkbox"/> Ensure LEA provides all necessary files to CDE consultant

Intensive Level 2		
Activity	LEA's Tasks	TA Provider's Role
	<p>complete activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>• Review Policies, Practices, and Procedures to determine if there are any needs or gaps</li> <li>• Provide CDE access to policy documents</li> <li>• Fill out Policy and Procedure Review form to identify where related policies exist</li> <li>• Review findings with CDE</li> </ul>	<input type="checkbox"/> Review findings with CIM team and CDE consultant
<b>Educational Benefit Review</b>	<p>Educational Benefit Review (EBR) is a required activity. The LEA will complete this activity at the <b>Required, assisted level</b>:</p> <ul style="list-style-type: none"> <li>• Create team that will conduct EBR</li> <li>• Watch EBR videos (Intro &amp; How-to)</li> <li>• Conduct EBR</li> <li>• Provide evidence for any students the team needed to skip</li> <li>• Provide CDE consultant with access to the reviewed student files for spot checks of the EBR process</li> <li>• Complete Corrective Actions that result from EBR findings</li> <li>• Have the CIM team consider EBR trainings as a part of the CIM plan, based on EBR findings</li> </ul>	<input type="checkbox"/> Ensure that the LEA has access to all EBR materials <input type="checkbox"/> Support LEA throughout the process <input type="checkbox"/> Work with LEA team to analyze findings and draw conclusions that could be addressed in the CIM plan

Intensive Level 2		
Activity	LEA's Tasks	TA Provider's Role
<b>Parent Input</b>	<p>Parent Input is a required activity. The LEA will complete this activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>• Solicit information from parents of students with disabilities</li> <li>• Access account on SEEDS website to:               <ul style="list-style-type: none"> <li>○ review LEA information</li> <li>○ access reports</li> <li>○ provide Community Advisory Committee and Family Engagement contact information</li> <li>○ Complete a brief LEA family engagement survey (1 per LEA)</li> </ul> </li> <li>• Watch Seeds Videos:               <ul style="list-style-type: none"> <li>○ CDE SED Monitoring Parent Input Information System Overview</li> <li>○ CDE SED Monitoring Parent Input Information System– Parent Input-Getting Started</li> </ul> </li> <li>• Distribute CDE Special Education Parent Survey</li> <li>• Determine if additional sources of parent input will be considered (e.g. empathy interviews, focus groups, additional surveys, etc.)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Direct LEA teams to SEEDS website and clarify expectations</li> <li><input type="checkbox"/> Support LEA if they are struggling</li> </ul>

Intensive Level 2		
Activity	LEA's Tasks	TA Provider's Role
	<ul style="list-style-type: none"> <li>Review reports with CDE to review and record findings in the software</li> </ul>	
<b>Root Cause Analysis</b>	<p>Root Cause Analysis (RCA) is a required activity. The LEA will complete this activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>Attend the training sessions</li> <li>Complete the Root Cause Analysis Tool with your TA provider</li> <li>Complete the Fishbone Tool with your TA provider</li> <li>Complete the Summary Tool with your TA provider</li> <li>Input a summary of findings in the software</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Conduct a training on the tool with LEAs</li> <li><input type="checkbox"/> Support LEAs in the Root Cause Analysis process</li> </ul>
<b>Prioritization</b>	<p>Prioritization is a required activity. The LEA will complete this activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>Attend the training sessions</li> <li>Conduct the prioritization activity with your TA provider</li> <li>Input a summary of the outcome into the software</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Conduct a training on the tool with LEAs</li> <li><input type="checkbox"/> Schedule meetings with LEA teams to conduct the Prioritization Activity</li> <li><input type="checkbox"/> Work with LEA team to analyze outcomes</li> </ul>
<b>Initiative Inventory</b>	<p>Initiative Inventory is a required activity. The LEA will complete this activity at the <b>Required, assisted level</b>:</p> <ul style="list-style-type: none"> <li>Review the recorded training sessions presented by CDE or a TA provider on RCA</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Conduct a training on the tool with LEAs</li> <li><input type="checkbox"/> Support LEAs and CDE with the Initiative Inventory</li> </ul>

Intensive Level 2		
Activity	LEA's Tasks	TA Provider's Role
	<ul style="list-style-type: none"> <li>• Complete the Initiative Crosswalk Protocol</li> <li>• Submit of summary of the Initiative Inventory the software</li> </ul>	
<b>Theory of Action</b>	<p>Theory of Action is a required activity. The LEA will complete this activity at the <b>Required, assisted level</b>:</p> <ul style="list-style-type: none"> <li>• Review the recorded training sessions presented by CDE or a TA provider on TOA</li> <li>• Submit the theory of action into the software</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Conduct a training on the tool with LEAs</li> <li><input type="checkbox"/> Schedule meetings with LEA teams to develop a theory of action</li> <li><input type="checkbox"/> Work with LEA team to analyze outcomes</li> </ul>
<b>Plan</b>	<p>CIM Plan is a required activity. The LEA will complete this activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>• Attend training sessions presented by CDE or a TA provider on Plan Development</li> <li>• Review the High Leverage Practices Document for each of the necessary elements with your TA provider</li> <li>• Complete the improvement planning tool with your CDE consultant</li> <li>• Develop a final plan of action with your CDE consultant</li> <li>• Input the plan into the software</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Conduct a training on plan development with LEAs</li> <li><input type="checkbox"/> Support LEAs and CDE in the Plan development process</li> </ul>

Intensive Level 2		
Activity	LEA's Tasks	TA Provider's Role
<b>CIM Plan Implementation and Monitoring</b>	<ul style="list-style-type: none"> <li>• Monitor CIM Plan implementation</li> <li>• Monitor the success/effectiveness of the CIM Plan</li> </ul> <p>[Details regarding the above are under development.]</p>	

**Consultant Tasks**

<b>Intensive Level 2</b>	
<b>CIM Activity</b>	<b>CDE Consultant's Tasks</b>
<b>CIM Process Preparation</b>	<input type="checkbox"/> Provide Data Source document <input type="checkbox"/> Provide Policies, Practices, and Procedures document <input type="checkbox"/> Assist TA Provider in verifying LEAs Seeds website registration <input type="checkbox"/> Connect LEA to their TA provider if necessary
<b>Team Creation</b>	<input type="checkbox"/> Clarify which LEA staff should constitute the LEA teams
<b>Data Drill Down</b>	<input type="checkbox"/> Verify which of your assigned LEAs have uploaded their data into the data center <input type="checkbox"/> Verify which of your assigned LEAs have participated <input type="checkbox"/> Contact the LEA and its SELPA if participation is not verified <input type="checkbox"/> Supply resources to LEAs regarding data access, interpretation, and analysis <input type="checkbox"/> Schedule and hold a meeting with the CIM Team to review the data findings. Complete the Data Drill Down Protocol with the LEA (more than one meeting may be required) <input type="checkbox"/> Review summary of findings in the software to align with findings from the meeting
<b>Assessment of Infrastructure</b>	<input type="checkbox"/> Verify which of your assigned LEAs have participated <input type="checkbox"/> Contact the LEA and its SELPA if participation is not verified <input type="checkbox"/> Supply resources to LEAs <input type="checkbox"/> Schedule and hold a meeting with the CIM Team to review the findings. Complete the Assessment of Infrastructure Protocol with the LEA (more than one meeting may be required) <input type="checkbox"/> Review summary of findings in the software to align with findings from the meeting

Intensive Level 2	
CIM Activity	CDE Consultant's Tasks
<b>Policies, Practices, and Procedures</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Ensure LEA teams know which policies need to be located</li> <li><input type="checkbox"/> Prior to the LEA's access to the software, review in the software the LEA's contact emails, check the reviewable Indicators</li> <li><input type="checkbox"/> Receive and review each LEA's student list from the CDE's data unit.</li> <li><input type="checkbox"/> Construct and send an initial student list to the LEA; ask for verification of enrollment, etc.</li> <li><input type="checkbox"/> Ensure the names on the final list are entered into the software. Select students in accordance with the sampling methodology.</li> <li><input type="checkbox"/> Ensure the correct elements for review are selected based on the indicators needed for review</li> <li><input type="checkbox"/> Review the LEA's student files and other necessary documentation.</li> <li><input type="checkbox"/> Enter any findings into the software</li> <li><input type="checkbox"/> Ensure that the LEA has access to the corrective actions</li> <li><input type="checkbox"/> If Corrective Actions are necessary, monitor the correction and the necessary evidence needed to close the finding</li> <li><input type="checkbox"/> Ensure all findings are closed within one year</li> <li><input type="checkbox"/> Once corrective actions are complete, conduct a Prong II analysis with the LEA</li> </ul>
<b>Educational Benefit Review</b>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Provide access to EBR materials: Intro &amp; How-to videos, documents, drop-box info, etc.</li> <li><input type="checkbox"/> Provide LEA with a list of student names for EBR</li> <li><input checked="" type="checkbox"/> Provide support and guidance to LEA as they go through the EBR process, respond to any questions (cc: TA Provider)</li> <li><input type="checkbox"/> Review EBR documentation when submitted</li> <li><input checked="" type="checkbox"/> Review student files against EBR documents to verify the team's work</li> <li><input type="checkbox"/> Participate in EBR consultant review training to norm the process and provide consistency in findings</li> <li><input type="checkbox"/> Enter EBR findings into the software</li> <li><input type="checkbox"/> Assign the LEA Corrective Actions</li> <li><input type="checkbox"/> Review Corrective Actions and facilitate any future Prong II</li> </ul>



Intensive Level 2	
CIM Activity	CDE Consultant's Tasks
<b>Parent Input</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Verify LEA registration on SEEDS website via report from SEEDS. Share with TA provider, as appropriate</li> <li><input type="checkbox"/> Monitor response rate from weekly reports from SEEDS</li> <li><input type="checkbox"/> Schedule and hold a meeting with the CIM team to review the findings. Complete the Parent Input Findings Protocol with the LEA (more than one meeting may be required)</li> <li><input type="checkbox"/> Review summary of findings in the software to align with findings from the meeting</li> </ul>
<b>Root Cause Analysis</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Verify that each of your assigned LEAs have necessary materials and have participated</li> <li><input type="checkbox"/> Supply resources to LEAs regarding data access, interpretation, and analysis</li> <li><input type="checkbox"/> Schedule and hold a meeting with the CIM Team to review the findings. Complete the Root Cause Analysis Protocol, Fishbone and Summary Tool with the LEA (more than one meeting may be required)</li> <li><input type="checkbox"/> Review summary of findings in the software to align with findings from the meeting</li> <li><input checked="" type="checkbox"/> Review submitted summary of the data analysis in the software</li> </ul>
<b>Prioritization</b>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Verify that each of your assigned LEAs have necessary materials and have participated</li> <li><input checked="" type="checkbox"/> Supply resources to LEAs</li> <li><input type="checkbox"/> Schedule and hold a meeting with the CIM Team to review the findings. Complete the Prioritization tool and Protocol with the LEA (more than one meeting may be required)</li> <li><input type="checkbox"/> Review summary of findings in the software to align with findings from the meeting</li> </ul>

Intensive Level 2	
CIM Activity	CDE Consultant's Tasks
<b>Initiative Inventory</b>	<input type="checkbox"/> Verify which of your assigned LEAs have participated with TA providers <input type="checkbox"/> Supply resources to LEAs <input type="checkbox"/> Review summary of findings in the software
<b>Theory of Action</b>	<input type="checkbox"/> Verify which of your assigned LEAs have participated <input type="checkbox"/> Supply resources to LEAs <input type="checkbox"/> Review summary of findings in the software
<b>Plan</b>	<input type="checkbox"/> Verify that each of your assigned LEAs have necessary materials <input type="checkbox"/> Supply resources to LEAs <input type="checkbox"/> Schedule and hold a meeting with the LEA to develop the Plan (more than one meeting maybe required) <input type="checkbox"/> Review plan in the software to align with findings from the meeting <input type="checkbox"/> Provide necessary feedback

## Intensive Level 3

### Selection

- a) In the bottom 0-3.99% of LEAs on FAPE in the LRE performance indicator risk rating (selection for Intensive school-age and/or preschool)

And/or...

- b) Overdue Corrective Actions more than 2 years

And/or...

- c) 3 or more years identified for significant disproportionality

### Activities

#### CIM Process Overview – LEA Tasks

Intensive Level 3	
Activity	LEA's Tasks
<b>Receipt of Annual Determination Letter</b> (Informational)	<ul style="list-style-type: none"> <li>Review the letter to determine the LEA's monitoring level and identify areas of focus for the LEA's CIM</li> </ul>
<b>Introductory Webinar</b>	<ul style="list-style-type: none"> <li>Schedule introductory Zoom meeting with CDE consultant</li> </ul>
<b>CIM Process Preparation</b>	<ul style="list-style-type: none"> <li>Gather current, relevant data</li> <li>Create primary user account on Seeds of Partnership website by filling out the <i>Request for Access Form</i></li> <li>Gather Policies, Practices, and Procedures according to list from CDE</li> </ul>

Intensive Level 3	
Activity	LEA's Tasks
<b>Team Creation</b>	<p>Team Creation is a required activity. The LEA will complete this activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>• Build teams that will complete activities <ul style="list-style-type: none"> <li>○ CIM Team</li> <li>○ Assessment of Infrastructure</li> <li>○ Educational Benefit Review</li> </ul> </li> </ul>
<b>Data Drill Down</b>	<p>Data Drill Down is a required activity. The LEA will complete this activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>• Review current data</li> <li>• Access Systems Improvement Leads (SIL) website</li> <li>• Review SIL website resources outlining Data Drill Down process: <ul style="list-style-type: none"> <li>○ See section entitled "Improvement Data Center (IDC): Data Tools Visual How-to Guides"</li> </ul> </li> <li>• Access SIL website Data Tools for current and past data and to request access to Data Drill Down</li> <li>• Determine trends</li> <li>• Identify concerns</li> <li>• Work with CDE to review and record findings</li> <li>• Work with the CDE to schedule general education onsite data walkthrough</li> </ul>
<b>Assessment of Infrastructure</b>	<p>Assessment of Infrastructure is a required activity. The LEA will complete this activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>• Review current infrastructure to identify LEA needs</li> <li>• Convene team that will fill out the Infrastructure Analysis Tool</li> <li>• Complete Infrastructure Analysis Tool included in the following resource: Serving Students With Disabilities: A Resource for Assessing the Basic Components of Your Special Education Infrastructure</li> <li>• Work with CDE to review and record findings</li> </ul>

Intensive Level 3	
Activity	LEA's Tasks
<b>Policies, Practices, and Procedures</b>	<p>Policies, Practices and Procedures Review is a required activity. The LEA will complete activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>• Review Policies, Practices, and Procedures to determine if there are any needs or gaps</li> <li>• Provide CDE access to policy documents</li> <li>• Fill out Policy and Procedure Review form to identify where related policies exist</li> <li>• Review findings with CDE</li> </ul>
<b>Educational Benefit Review</b>	<p>Educational Benefit Review (EBR) is a required activity. The LEA will complete this activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>• Work with the CDE to schedule onsite EBR training</li> <li>• Convene team that will conduct EBR</li> <li>• Watch EBR trainings: Introduction and EBR File Review</li> <li>• Conduct EBR</li> <li>• Provide evidence for any students the team needed to skip</li> <li>• Provide assigned CDE consultant with access to the reviewed student files for spot checks of the EBR process</li> <li>• Complete Corrective Actions that result from EBR findings</li> <li>• Have the team consider EBR trainings as a part of the CIM plan, based on EBR findings</li> </ul>
<b>Parent Input</b>	<p>Parent Input is a required activity. The LEA will complete this activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>• Solicit information from parents of students with disabilities</li> <li>• Access account on Seeds website to: <ul style="list-style-type: none"> <li>○ review LEA information</li> <li>○ access reports</li> <li>○ provide Community Advisory Committee and Family Engagement contact information</li> <li>○ Complete a brief LEA family engagement survey (1 per LEA)</li> </ul> </li> </ul>

Intensive Level 3	
Activity	LEA's Tasks
	<ul style="list-style-type: none"> <li>• Watch Seeds of Partnership Videos: <ul style="list-style-type: none"> <li>○ CDE SED Monitoring Parent Input Information System Overview</li> <li>○ CDE SED Monitoring Parent Input Information System, Parent Input-Getting Started</li> </ul> </li> <li>• Distribute CDE Special Education Parent Survey</li> <li>• Determine if additional sources of parent input will be considered (e.g. empathy interviews, focus groups, additional surveys, etc.)</li> <li>• Review reports with CDE to review and record findings</li> </ul>
<b>Root Cause Analysis</b>	<p>Root Cause Analysis (RCA) is a required activity. The LEA will complete this activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>• Attend the training sessions presented by CDE</li> <li>• Complete the Root Cause Analysis Tool with your CDE Consultant</li> <li>• Complete the Fishbone Tool with your CDE Consultant</li> <li>• Complete the Summary Tool with your CDE Consultant</li> <li>• Input a summary of findings in the software</li> </ul>
<b>Prioritization</b>	<p>Prioritization is a required activity. The LEA will complete this activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>• Review the recorded training sessions</li> <li>• Conduct the prioritization activity with your CDE Consultant</li> <li>• Input a summary of the outcome into the software</li> </ul>
<b>Initiative Inventory</b>	<p>Initiative Inventory is a required activity. The LEA will complete this activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>• Attend, or view a recording of, the recorded training sessions</li> <li>• Complete the Initiative Crosswalk Protocol with your CDE Consultant</li> <li>• Submit of summary of the Initiative Inventory into the software</li> </ul>

Intensive Level 3	
Activity	LEA's Tasks
<b>Theory of Action</b>	<p>Theory of Action is a required activity. The LEA will complete this activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>• Attend, or view a recording of, the recorded training sessions</li> <li>• Complete the Theory of Action with assigned CDE Consultant</li> <li>• Submit the Theory of Action into the software</li> </ul>
<b>Plan</b>	<p>CIM Plan is a required activity. The LEA will complete this activity at the <b>Required, directed level</b>:</p> <ul style="list-style-type: none"> <li>• Attend, or view a recording of, the recorded training sessions</li> <li>• Review the High Leverage Practices Document for each of the necessary elements with your CDE Consultant</li> <li>• Complete the Improvement Planning Tool with your CDE consultant</li> <li>• Develop a final Plan with your CDE consultant</li> <li>• Input the plan into the software</li> </ul>

**Consultant Tasks**

Intensive Level 3	
Activity	Consultant's Tasks
<b>CIM Process Preparation</b>	<input type="checkbox"/> Schedule onsite activities to include general education data walkthrough and onsite Educational Benefit Review training <input type="checkbox"/> Provide Data Source document <input type="checkbox"/> Verify that LEA has registered on Seeds website and knows how to request access <input type="checkbox"/> Touch base with LEAs who haven't scheduled an introductory Zoom meeting <input type="checkbox"/> Provide Policies, Practices, and Procedures document
<b>Team Creation</b>	<input type="checkbox"/> Clarify which LEA staff should constitute the LEA teams
<b>Data Drill Down</b>	<input type="checkbox"/> Verify which of your assigned LEAs have uploaded their data into the Data Center <input type="checkbox"/> Contact the LEA and its SELPA if participation is not verified <input type="checkbox"/> Supply resources to LEAs regarding data access, interpretation, and analysis <input type="checkbox"/> Schedule and hold a meeting with the team to review the data findings. Complete the Data Drill Down Protocol with the LEA (more than one meeting may be required) <input type="checkbox"/> Review summary of findings in the software to align with findings from the meeting



Intensive Level 3	
Activity	Consultant's Tasks
<b>Assessment of Infrastructure</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Verify which of your assigned LEAs have participated</li> <li><input type="checkbox"/> Contact the LEA and its SELPA if participation is not verified</li> <li><input type="checkbox"/> Supply resources to LEAs</li> <li><input type="checkbox"/> Schedule and hold a meeting with the team to review the findings. Complete the Infrastructure Analysis Protocol with the LEA (more than one meeting may be required)</li> <li><input type="checkbox"/> Review summary of findings in the software to align with findings from the meeting</li> </ul>
<b>Policies, Practices, and Procedures</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Ensure LEA teams know which policies need to be located</li> <li><input type="checkbox"/> Prior to the LEA's access to the software, review in the software the LEA's contact emails, check the reviewable Indicators</li> <li><input type="checkbox"/> Receive and review each LEA's student list</li> <li><input type="checkbox"/> Construct and send an initial student list to the LEA; ask for verification of enrollment, etc.</li> <li><input type="checkbox"/> Ensure the names on the final list are entered into the software</li> <li><input type="checkbox"/> Select students in accordance with the sampling methodology</li> <li><input type="checkbox"/> Ensure the correct elements for review are selected based on the indicators needed for review</li> <li><input type="checkbox"/> Review the LEA's student files and other necessary documentation.</li> <li><input type="checkbox"/> Enter any findings into the software</li> <li><input type="checkbox"/> Ensure that the LEA has access to the corrective actions</li> <li><input type="checkbox"/> If corrective actions are necessary, monitor the correction and the necessary evidence needed to close the finding</li> <li><input type="checkbox"/> Ensure all findings are closed within one year</li> </ul> <p>Once corrective actions are complete, conduct a Prong II analysis with the LEA</p>

Intensive Level 3	
Activity	Consultant's Tasks
<b>Educational Benefit Review</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Schedule onsite EBR training</li> <li><input type="checkbox"/> Get access from LEA IEPs to use in your onsite EBR training</li> <li><input type="checkbox"/> Provide access to EBR materials: Intro &amp; How-to videos, documents, drop-box info, etc.</li> <li><input type="checkbox"/> Provide LEA with a list of student names for EBR</li> <li><input type="checkbox"/> Provide support and guidance to LEA as they go through the EBR process, respond to any questions</li> <li><input type="checkbox"/> Review EBR documentation when submitted</li> <li><input type="checkbox"/> Review student files against EBR documents to verify the team's work</li> <li><input type="checkbox"/> Participate in EBR consultant review training to norm the process and provide consistency in findings</li> <li><input type="checkbox"/> Enter EBR findings into the software</li> <li><input type="checkbox"/> Assign the LEA Corrective Actions</li> <li><input type="checkbox"/> Review Corrective Actions and facilitate any future Prong II</li> </ul>
<b>Parent Input</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Direct LEA teams to Seeds website and clarify expectations</li> <li><input type="checkbox"/> Verify LEA registration on Seeds website via report from Seeds</li> <li><input type="checkbox"/> Monitor response rate from weekly reports from Seeds</li> <li><input type="checkbox"/> Support LEA if they are struggling</li> <li><input type="checkbox"/> Review reports from Seeds to discuss with LEA</li> <li><input type="checkbox"/> Review all findings from all parent input sources with team to analyze data and draw conclusions</li> </ul>

Intensive Level 3	
Activity	Consultant's Tasks
<b>Root Cause Analysis</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Verify that each of your assigned LEAs have necessary materials and have participated</li> <li><input type="checkbox"/> Supply resources to LEAs regarding data access, interpretation, and analysis</li> <li><input type="checkbox"/> Schedule and hold a meeting with the CIM team to review the findings. Complete the Root Cause Analysis Protocol, Fishbone and Summary Tool with the LEA (more than one meeting may be required)</li> <li><input type="checkbox"/> Review summary of findings in the software to align with findings from the meeting</li> <li><input type="checkbox"/> Review submitted summary of the data analysis in the software</li> </ul>
<b>Prioritization</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Verify that each of your assigned LEAs have necessary materials and have participated</li> <li><input type="checkbox"/> Supply resources to LEAs</li> <li><input type="checkbox"/> Schedule and hold a meeting with the LEA Team to review the findings. Complete the Prioritization tool and Protocol with the LEA (more than on meeting maybe required)</li> <li><input type="checkbox"/> Review summary of findings in the software to align with findings from the meeting</li> </ul>
<b>Initiative Inventory</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Verify which of your assigned LEAs have participated</li> <li><input type="checkbox"/> Supply resources to LEAs</li> <li><input type="checkbox"/> Schedule and hold a meeting with the team to review the findings Complete the Initiative Inventory Protocol with the LEA (more than on meeting maybe required)</li> <li><input type="checkbox"/> Review summary of findings in the software to align with findings from the meeting</li> </ul>

Intensive Level 3	
Activity	Consultant's Tasks
<b>Theory of Action</b>	<input type="checkbox"/> Verify which of your assigned LEAs have participated <input type="checkbox"/> Supply resources to LEAs <input type="checkbox"/> Schedule and hold a meeting with the team to review the findings Complete the Theory of Action Protocol with the LEA (more than one meeting may be required) <input type="checkbox"/> Review summary of findings in the software to align with findings from the meeting
<b>Plan</b>	<input type="checkbox"/> Verify that each of your assigned LEAs have necessary materials <input type="checkbox"/> Supply resources to LEAs <input type="checkbox"/> Schedule and hold a meeting with the LEA to develop the Plan (more than one meeting may be required) <input type="checkbox"/> Review Plan in the software to align with findings from the meeting. <input type="checkbox"/> Provide necessary feedback

## **Small LEA Cyclical Monitoring**

Small LEAs are LEAs that serve 100 or few SWDs. All small LEAs are monitored annually for timeline and complaint noncompliance. Additionally CDE monitors those LEAs cyclically. Under cyclical monitoring, each small LEA is selected for further monitoring once every three years and are required to complete a Self-Study.

### **Selection**

500 LEAs are randomly selected annually

### **Activities**

Small LEAs will participate in a Self-Review Process every three (3) years consisting of the following: a Policies, Practices and Procedures Review and Educational Benefit Review.

### **Self-Study**

#### ***Policies, Practices and Procedures Review***

CDE requires each small LEA selected for review complete a Policies, Practices and Procedures Review. The review requires the LEA to complete student file reviews as well as a review of policies and procedures. Most LEAs adopt policies and procedures approved by the SELPA and occasionally create additional policies and procedures that meet LEA needs. All policy and procedure documents should be gathered for review of policies and procedures.

#### ***Educational Benefit Review***

CDE requires each small LEA selected for monitoring to conduct an Educational Benefit Review to assess the provision of FAPE in the LRE by sampling student files. CDE requires the small LEA to participate in a live or online training and to review student files with their staff, reporting the results on a Summary of Concerns worksheet. If the LEA reports noncompliance, CDE verifies the noncompliance, and issues a finding of noncompliance with required corrective actions. CDE monitors the completion of corrective actions and the subsequent reviews to ensure systemic correction in accordance with OSEP Memo 09-02.

## **Incorporation into the CIM Process**

CDE examines the results of the activities conducted as part of the small LEAs monitoring activities, and determines which LEAs may need a higher level of

monitoring, including participation in a modified CIM process. CDE will only select those small LEAs with systemic concerns of noncompliance to complete a modified CIM process.

Specific cutoffs and criterion to identify and direct a small LEA to participate in a modified CIM process is under development.

## Self-Study Monitoring Process Overview – LEA Tasks

Small LEA Monitoring Self-Study	
Activity	LEA's Tasks
<b>Introductory Webinar</b>	<ul style="list-style-type: none"> <li>Attend Introductory Webinar on Small LEA Monitoring and the Self-Review Process</li> </ul>
<b>Policies, Practices, and Procedures Review</b>	<p>Policies, Practices and Procedures Review is a required activity. The LEA is required to complete this activity at the <b>Required, independent level</b>:</p> <ul style="list-style-type: none"> <li>Attend training activities presented by CDE</li> <li>Commence and complete the Student File Review (Practices)</li> <li>Commence and complete the Policy and Procedure Review protocol</li> <li>Review corrective actions associated with any findings from the Policies, Practices and Procedures Review</li> <li>Complete the corrective actions and provide evidence of correction</li> <li>Consult with your CDE consultant on the process of the Prong II, if applicable</li> </ul>
<b>Educational Benefit Review</b>	<p>Educational Benefit is a required activity. The LEA is required to complete this activity at the <b>Required, independent level</b>, with additional support provided by the CDE:</p> <ul style="list-style-type: none"> <li>View a recording of the Educational Benefit Review training <b>or</b> attend a regional in-person training offered by CDE consultants</li> <li>Receive and review the required reporting form(s)</li> <li>Receive and review the initial student list for Educational Benefit Review sent by the CDE consultant</li> <li>Commence and complete the Educational Benefit Review</li> <li>Review corrective actions associated with any findings from the Educational Benefit Review</li> <li>Complete the corrective actions and provide evidence of correction</li> </ul>

Small LEA Monitoring Self-Study	
Activity	LEA's Tasks
	<ul style="list-style-type: none"><li>• Consult with your CDE consultant on the process of the Prong II, if applicable</li></ul>

IN DEVELOPMENT

## Consultant Role

Small LEA Monitoring Self-Study	
Activity	CDE Consultant's Role
Introductory Webinar	<input type="checkbox"/> Prepare the Webinar <input type="checkbox"/> Receive and answer questions from the LEAs
Trainings	<input type="checkbox"/> Design and conduct trainings that show LEAs how to conduct the reviews <input type="checkbox"/> Design and conduct trainings that show the LEA how to access software <input type="checkbox"/> Schedule "Office Hours" for questions regarding review process and activities; attend and answer LEA questions
Policies, Practices, and Procedures Review	<input type="checkbox"/> Prior to the LEA's access to the software, review the LEA's contact names and email <input type="checkbox"/> Send instructions to the LEA for completing and submitting the Policies, Practices and Procedures Review <input type="checkbox"/> Complete the validation activity to ensure the LEA conducted the Policies, Practices and Procedures Review accurately <input type="checkbox"/> Correct any inconsistencies by entering the findings into the software and contact the LEA to provide feedback about what was missed <input type="checkbox"/> If corrective actions are necessary, ensure that the LEA is informed regarding the corrective actions <input type="checkbox"/> Receive and evaluate the documentation needed to close each corrective action <input type="checkbox"/> Once corrective actions from the initial review are complete, conduct a Prong II review of any student-level items that had findings of noncompliance
Educational Benefit Review	<input type="checkbox"/> Send instructions to the LEA for completing and submitting the Educational Benefit Review <input type="checkbox"/> Provide LEA with a list of student names <input type="checkbox"/> Provide support and guidance to LEA as they go through the EBR process, respond to any questions <input type="checkbox"/> Review EBR documentation when submitted <input type="checkbox"/> Review student files against EBR documents to verify the LEA's work <input type="checkbox"/> If corrective actions are necessary, ensure that the LEA is informed regarding the corrective actions <input type="checkbox"/> Receive and evaluate the documentation needed to close each corrective action



Small LEA Monitoring Self-Study	
Activity	CDE Consultant's Role
	<input type="checkbox"/> Once corrective actions from the initial review are complete, conduct a Prong II review of any student-level items that had findings of noncompliance

IN DEVELOPMENT

1 ROB BONTA  
Attorney General of California  
2 DARRELL W. SPENCE  
Supervising Deputy Attorney General  
3 KIRIN K. GILL, State Bar No. 259968  
Deputy Attorney General  
4 State Bar No. 259968  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6172  
Fax: (916) 324-5567  
7 E-mail: Kirin.Gill@doj.ca.gov  
*Attorneys for Defendants*  
8 *California Department of Education, Tony*  
*Thurmond, in his official capacity as the State*  
9 *Superintendent of Public Instruction, and State*  
*Board of Education*

10 IN THE UNITED STATES DISTRICT COURT  
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12

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15 **EMMA C., et al.,**

16 Plaintiffs,

17 v.

18 **THURMOND, et al.,**

19 Defendants.  
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3:96-cv-04179-VC

**ATTACHMENT 5**

Judge: The Honorable Vince Chhabria

## Criteria Sort into Monitoring Tier, Differentiated Monitoring Level, and IDEA Part B Annual Determination

MONITORING IDENTIFICATION CRITERIA	MONITORING TIER	UNIVERSAL	TARGETED				INTENSIVE		
	DIFFERENTIATED MONITORING LEVEL	Universal Supports	Compliance Only	Level 1	Level 2	Level 3	Level 1	Level 2	Level 3
	ANNUAL DETERMINATION	Meets Requirements	Needs Assistance				Needs Intervention		
	Timely/Complete Data Submissions	None	Untimely/Incomplete Data						
	Fiscal (MOE/SELPA Assurance)	None	MOE/SELPA Assurance Concerns						
	Procedural Compliance	No Procedural Noncompliance	Procedural Noncompliance						
	Disproportionality	Not Disproportionate			Disproportionate Year 1	Disproportionate Year 2	Significantly Disproportionate Year 1	Significantly Disproportionate Year 2	Significantly Disproportionate Year 3+
	Performance	Targets Met/Not Lowest Performing		Not Meeting 1-2 Targets	Not meeting 3+ Targets	Bottom 11-20%; OR Bottom 10% in any FAPE in LRE indicator	Bottom 8-10%	Bottom 4-7%	Bottom 0-3%
	Corrective Actions (CA)	No Corrective Actions	Corrective Actions	Not Making Progress on Corrective Actions			Overdue CA 1 year		Overdue CA 2+ years
	NPS Areas of concern	No areas of concern in NPS Reviews	Areas of Concern						

1 ROB BONTA  
Attorney General of California  
2 DARRELL W. SPENCE  
Supervising Deputy Attorney General  
3 KIRIN K. GILL, State Bar No. 259968  
Deputy Attorney General  
4 State Bar No. 259968  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6172  
Fax: (916) 324-5567  
7 E-mail: Kirin.Gill@doj.ca.gov  
*Attorneys for Defendants*  
8 *California Department of Education, Tony*  
*Thurmond, in his official capacity as the State*  
9 *Superintendent of Public Instruction, and State*  
*Board of Education*

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3:96-cv-04179-VC

**ATTACHMENT 6**

Judge: The Honorable Vince Chhabria

Monitoring Tier, Differentiated Monitoring Level, and Required Activities

CIM PROCESS STEPS > ACTIVITIES	MONITORING TIER	UNIVERSAL	TARGETED				INTENSIVE		
	DIFFERENTIATED MONITORING LEVEL	N/A	Compliance Only	Targeted Level 1	Targeted Level 2	Targeted Level 3	Intensive Level 1	Intensive Level 2	Intensive Level 3
	ANNUAL DETERMINATION	Meets Requirements	Needs Assistance	Needs Assistance	Needs Assistance	Needs Assistance	Needs Intervention	Needs Intervention	Needs Intervention
	CIM PROCESS PARTICIPATION AND ENGAGEMENT LEVEL	N/A	Not Required; Corrective Actions Only	Required Independent	Required Independent	Required Assisted	Required Assisted	Required Directed	Required Directed
	STEP 1: Gather and Inquire								
	NEW - Team Creation	Optional	Optional	Required Independent	Required Independent	Required Assisted	Required Assisted	Required Directed	Required Directed
	Data Drill Down	Optional	Optional	Required Independent	Required Independent	Required Assisted	Required Assisted	Required Directed	Required Directed
	Assessment of Infrastructure	Optional	Optional; CAs	Optional	Optional	Optional	Required Assisted	Required Directed	Required Directed
	Policies, Practices, Procedures Review	N	Prong II	Required Independent	Required Independent	Required Independent	Required Directed	Required Directed	Required Directed
	Educational Benefit Review	N	N	Optional	Optional	Optional	Required Independent	Required Assisted	Required Directed
	Parent Input	Optional	Optional	Optional*	Optional*	Required Independent	Required Independent	Required Directed	Required Directed
	STEP 2: Investigate								
	Root Cause Analysis	Optional	Optional	Required Independent	Required Independent	Required Assisted	Required Assisted	Required Directed	Required Directed
	Prioritization	Optional	Optional	Optional	Optional	Required Independent	Required Assisted	Required Directed	Required Directed
	Initiative Inventory	Optional	Optional	Optional	Optional	Optional	Required Independent	Required Assisted	Required Directed
	Theory of Action/Improvement Framework	Optional	Optional	Optional	Optional	Optional	Required Independent	Required Assisted	Required Directed
	STEP 3: Planning								
	Plan	Optional	Optional	Required Independent+	Required Independent+	Required Assisted	Required Directed	Required Directed	Required Directed
	Approval	N	N	SELPA	SELPA	SELPA+CDE	CDE	CDE	CDE
	Step 4: Monitoring Implementation Plan	N	N	N	SELPA	SELPA+CDE	CDE	CDE	CDE

Activities and Level of Engagement/Support

Optional = Activity is optional

Optional\* = Activity is optional, unless SPPI 8 not met

Required Independent = Activity is required, LEA to complete

Required Assisted = Activity is required, LEA is to complete with support

Required Directed = Activity is required, LEA is required to complete with support and direct CDE oversight

## CERTIFICATE OF SERVICE

Case Name: **Emma C., et al. v. Thurmond,**  
**et al.**

No. **3:96-cv-04179-VC**

I hereby certify that on July 29, 2022, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**STATE DEFENDANTS' RESPONSE TO MONITOR'S REVIEW OF PHASE 3 DESIGN  
SUB-PHASE SUBMISSION**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on July 29, 2022, at Sacramento, California.

Christopher R. Irby

Declarant

*/S/ Christopher R. Irby*

Signature